

City Ordinances

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Public Services
Chapter 11.04
Water

11.04.010 Election, term of registrar and chief water engineer.

The officers of the water department, under the direction of the board of water commissioners, shall consist of the chief water engineer and a water registrar, who shall be appointed by the board of water commissioners in accordance with General Law, Chapter 31. (Prior code §25-1)

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11.04.020 Compensation of board members.

The members of the board of water commissioners shall serve without compensation. (Prior code §25-2)

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11.04.030 Abatement or change of bills.

Whenever any bill that has been committed to the city collector as provided in this title is abated or changed, a memorandum of such abatement or change shall be sent him and to the city auditor by the water registrar, as a temporary voucher for the amount of the same; and at the close of each fiscal year a certificate for the total amount as shown in detail on the books of the department, of such abatements or changes made during the year on the monthly lists committed, shall be signed by the chairman of the board of water commissioners, or in his absence, by some other member thereof, and shall be sent to the collector and become his permanent voucher for the amounts therein stated. (Prior code §25-3)

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11.04.040 Department not to make collections.

The board of water commissioners shall not themselves, or by any officer or person connected with or in the employ of their department, collect any bill or money due the city on account of such department. (Prior code §25-4)

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11.04.050 Rules and regulations--Penalty for violations--Prohibiting use of water.

A. The board of water commissioners may prescribe rules and regulations not conflicting with any ordinance of the city, for the introduction and use of city water and payment therefor, and for the inspection, material, construction, alteration or use of all water pipes and of water fixtures of every kind through which water supplied by the city is used by any person, printed copies of which rules and regulations shall be furnished all persons taking water of the city.

B. Any person violating any of such rules and regulations shall be subject to a fine not exceeding twenty dollars (\$20).

C. Such board may prohibit the use of water by any person neglecting or refusing to comply with such rules and regulations. (Prior code §25-5)

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11.04.060 Board to levy assessments.

The board of water commissioners shall levy special assessments to meet the whole or part of the cost incurred in laying pipes in public and private ways for the conveyance or distribution of water to the public. (Prior code §25-5A)

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11.04.070 Owner to pay proportionate share.

An owner of land which receives benefit from the laying of water pipes in public and private ways upon which his land abuts or which by more remote means receives benefit through the supply of water to his land or buildings shall pay a proportionate part of the cost not already assessed of extending such water supply to his land. (Prior code §25-5B)

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11.04.080 Costs included in assessments.

The amount to be charged by the board of water commissioners against each parcel receiving the benefits outlined in Section 11.04.070 shall include the cost of the pipes and other material and of the labor in laying them and other expenses incidental thereto and shall be ascertained and certified by the board of water commissioners.

(Prior code §25-5C)

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11.04.090 Determination of individual assessment.

The assessments to be levied by the board of water commissioners under Section 11.04.060 shall be made upon the several parcels of land receiving benefit from the laying of such pipes by a fixed uniform rate based upon the estimated average cost of all the water pipes therein and the laying thereof, according to the frontage of such land on any way in which a water pipe is laid, or according to the area of such land within a fixed depth from such a way, or according to valuation for purposes of taxation in the last annual assessment, or according to two or all of such measures.

(Prior code §25-5D)

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11.04.100 Time for payment.

The board of water commissioners shall, if the order for assessment is upon land not built upon, extend the time of payment of the assessment and interest thereon at the rate of four percent (4%) until it is built upon or for a fixed time; and the assessment and interest shall be collected by said board within three (3) months after said land is built upon or at the expiration of such fixed period. (Prior code §25-5E)

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11.04.110 Water used by contractors under city contract.

All city water used by private contractors under city contracts shall be charged for and collected at the regular schedule rates for the same, and payment therefor by such contractors shall be provided for in the specifications of each such contract. (Prior code §25-6)

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11.04.120 Water used by city.

Except as provided in Section 11.04.110, no charge shall be collected for water furnished the city and used for municipal purposes, but the board of water commissioners may in its annual report, and on the books of the department, credit annually the water department with the value of the water furnished the city for municipal purposes, to be estimated as follows:

- A. For fire protection, at twenty-five dollars (\$25) for each and every fire hydrant;
- B. For street watering, at an average of one and one-half cents (\$0.015) for each and every linear foot of surface watered during the season;

C. For flushing sewers and drains, at ten dollars (\$10) for each and every flush gate or other fixture used for such purpose;

D. For public drinking fountains for persons, at twenty dollars (\$20) for each and every such fountain;

E. For all other uses of city water for municipal purposes, at the regular rates for private takers.

(Prior code §25-7)

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Chapter 11.08

Sewers, Drains And Wastewater Treatment

I. GENERAL PROVISIONS

11.08.010 Definitions.

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

1. "Applicant" means any person requesting approval to discharge wastewaters into municipal facilities or for a new connection to the public system.

2. "Average daily flow" means the total volume of sewage in gallons measured at a metering station or other point during a continuous period of three hundred sixty-five (365) days divided by three hundred sixty-five (365).

3. "Biochemical oxygen demand (BOD)" means the quantity of dissolved oxygen, expressed in milligrams per liter, used in the biochemical oxidation of wastewater in five (5) days at twenty degrees (20°) Centigrade (sixty-eight degrees (68°) Fahrenheit) under standard laboratory procedures.

4. "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and/or other stacks inside the building and terminates ten (10) feet outside the inner face of the building wall.

5. "Building sewer" means that part of the horizontal piping which begins ten (10) feet outside the inner face of the building wall and extends to a public sewer, private sewer or other place of wastewater disposal.

6. "Categorical pretreatment standards" means pollutant discharge limitations for specific industrial user categories promulgated under federal law by the U.S. Environmental Protection Agency.

7. "Chemical oxygen demand (COD)" means the measure of the oxygen-consuming capacity of inorganic and organic matter present in water or wastewater. It is expressed as the amount of oxygen consumed from a chemical oxidant in a specific test. It does not differentiate between stable and unstable organic matter and thus does not necessarily correlate with biochemical oxygen demand.

8. "Chlorine demand" means the amount in milligrams per liter of chlorine required to be added to water, waste-water, or other liquids to achieve a combined chlorine residual after fifteen (15) minutes contact, of one (1) milligram per liter.

9. "City," "municipality," or "municipal" means the city of Springfield or pertaining or belonging to said city.

10. "Combined sewer" means a sewer receiving and conveying both sanitary wastewater and surface runoff from storms.

11. "Director" means the director of public works of the city or his authorized deputy, or representative.
12. "Domestic wastewater" means the liquid wastes and liquid borne wastes discharged from the sanitary conveniences such as toilets, washrooms, urinals, sinks, showers, drinking fountains, laundry rooms, kitchens, cafeterias and floor drains essentially free of industrial wastes or toxic materials.
13. Drain. For the meaning of "drain," see "storm drain."
14. "Excessive" means amounts or concentration of a constituent of a wastewater which in the judgment of the municipality:
 - a. Will cause damage to any facility;
 - b. Will be harmful to a wastewater treatment process;
 - c. Cannot be removed in the treatment works to the degree required in the limiting stream classification standards of the Connecticut River and/or its tributaries;
 - d. Can otherwise endanger life or property; or
 - e. Can constitute a nuisance.
15. "Facilities" includes structures, conduits, pumping stations, treatment and disposal works, and other appurtenances for the purpose of collecting, treating and disposal of domestic and/or industrial wastewater.
16. "Garbage" means the wastes resulting from the handling, preparation, cooking and serving of food. It is composed largely of putrescible organic matter, usually with a high natural moisture content.
17. "Industrial user" means an industry discharging industrial wastewater to a public sewer.
18. "Industrial wastewater" means the liquid wastes from industrial manufacturing processes, laboratories, trades or businesses which predominate as distinct from domestic wastewaters.
19. "Industry" means the establishment with facilities for mechanical, testing, trade, or manufacturing purposes.
20. "Interceptor sewer" means a sewer, located in public and/or private property, which collects the entire flow from a number of public and/or private sewers, conveys the flow to a suitable collection point for final discharge to a place of wastewater treatment and is entirely controlled by the municipality.
21. "Interfere" means a discharge by an industrial user which, along or in conjunction with discharges by other sources, inhibits or disrupts the city's wastewater works, its treatment processes or operations, or its sludge processes, use or disposal and which is a cause of a violation of any requirement of the city's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by the city in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D or the SWDA) the Clean Water Act, the Toxic Substances Control Act, and the Marine Protection Research and Sanctuaries Act.
22. "Licensed contractor" means any contractor licensed by the director of public works to install building sewers, private sewers and public sewers in the city.
23. "Maximum daily flow" means the highest volume in gallons measured at a metering station or other point during any continuous twenty-four (24) hour period.

24. "Natural outlet" means any outlet into a water-course, pond, ditch, lake or other body of surface or groundwater.
25. "Pass through" means the discharge of pollutants through the city's wastewater works into navigable waters in quantities or concentrations which, alone or in conjunction with discharges from other sources, are a cause of a violation of any requirement of the city's NPDES permit (including an increase in the magnitude or duration of a violation).
26. "Person" means any individual, firm, company, association, society, corporation, group, trust, municipality or governmental authority.
27. "pH" means the negative logarithm (to the base ten (10)) of the hydrogen ion concentration in grams per liter of solution.
28. "Private drain" means any drain located on private property and not under the full care and control of the department of public works.
29. "Private sewer" means any sewer located on private property that collects and conveys wastewater from two (2) or more building sewers, discharges into a public sewer, and is not under the full care and control of the department of public works.
30. "Properly shredded garbage" means garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.
31. "Public drain" means a drain located in a public, private way, or easement in which all owners of abutting properties have equal rights, and is under the full care and control of the department of public works.
32. "Public sewer" means any sewer owned or maintained by the city and any sewer situated outside the city that is owned or maintained by a city, town or district that discharges into city wastewater treatment works.
33. "Receiving waters" means any watercourse, river, pond, ditch, lake, aquifer, or other body of surface or groundwater receiving discharge of wastewaters.
34. "Sanitary sewer" means a sewer which carries domestic and/or industrial wastewaters and to which surface runoff from storms and groundwater is not intentionally admitted.
35. "Sewer" means a pipe or conduit for carrying wastewater.
36. "Slug" means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration, or flow, during normal operation.
37. "Storm drain" means a pipe or conduit for conveying rain water, groundwater, subsurface water, condensate, cooling water, or other similar discharge.
38. "Suspended solids" means solids that either float on the surface of, or are in suspension in water, wastewater, or other liquids, and which are removable by laboratory filtering, and are referred to as nonfilterable residue in the laboratory test prescribed in "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association.
39. "Turbidity" means a:
- a. Condition in water or wastewater caused by the presence of suspended matter, resulting in the scattering and absorption of light rays;

b. Measure of fine suspended matter in liquids;

c. Analytical quantity usually reported in arbitrary turbidity units determined by measurements of light diffraction.

40. "Wastes" means substances in liquid, solid or gaseous form that can be carried in water.

41. "Wastewater" means the spent water of the municipality and may be a combination of the liquid and liquid-borne wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater and surface water that may be present.

42. "Wastewater treatment works" means any arrangement of devices and structures used for treating wastewater.

43. "Wastewater works" means all structures, equipment and processes for collecting, pumping, treating and disposing of wastewater.

(Ord. 1986 Ch. 1 (part); prior code §20-1)

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II. PUBLIC SEWERS AND DRAINS

11.08.020 Street openings not to interfere with sewers and drains or removal of other pipes.

A. Whenever any street is opened for the laying of pipes for water, gas or other purposes, or for the performance of any works of construction or repairs, such laying of pipes and repairs and work connected therewith, or such work of construction shall be executed so as not to obstruct the course, capacity or construction of a public sewer or drain, and whenever pipes for any purpose or any work of construction shall hereafter be found to exist at such depth or in such location as to interfere with any existing sewer or with the building of any public sewer of the required size, and at the proper depth and grades, the person maintaining the same shall, upon notice thereof, at once remove, change and alter such pipes or other works in such manner as the director of public works may direct.

B. If such person neglects to immediately remove, change or alter such pipes in accordance with the terms of notification, then the director of public works may make such removal, change or alteration, and the cost thereof shall be paid by such person. (Prior code §20-2)

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II. PUBLIC SEWERS AND DRAINS

11.08.030 Work to be done by director including cost of sewer entry permit.

A. No person other than the director of public works through his employees or a contractor with written authorization by the director acting under his direction, shall be allowed to excavate within the limits of any street or open any public drain or sewer for any purpose whatever.

B. The connection of all private drains or sewers within the street limits and all connections to any public drain or sewer shall be performed by the director of public works, or his agent, and all material therefor shall be furnished by the city, and the cost thereof and of the labor of laying the same shall be included in the sum paid for the permit (see Sections 11.08.110 and 11.08.140).

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II. PUBLIC SEWERS AND DRAINS

11.08.040 Requiring building sewer or drain connection-- Prohibition of cesspools.

A. The mayor, city council, and the commissioner of public health, are authorized, in all cases where there is a public sewer or drain in any street of the city or easement held by the city, to cause every owner of land adjoining such street, or easement, his agent or tenant to provide, subject to the provisions of this chapter, a sufficient building sewer or drain from his house, yard or lot, to and into such public sewer or drain, whenever, in the opinion of the city council and the commissioner of health, the same shall be necessary for the protection of the public health, and shall, thereupon, give such owner, agent or tenant notice in writing, specifying the time within which such building sewer or drain shall be constructed.

B. The city council and the commissioner of public health may, whenever, in their opinion, the protection of the public health requires, prohibit the maintenance of any privy or cesspool on any premises connected with a public sewer or drain.

C. Any person who neglects to construct a building sewer or drain under the provisions of this section within the time specified in such notice to do so, or maintains a privy in violation of such prohibition, shall forfeit and pay a penalty as provided in Section 12(t) of Chapter V of 1972 Revised Ordinances of Springfield. (Prior code §20-4)

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II. PUBLIC SEWERS AND DRAINS

11.08.050 Procedure for laying out or constructing new public sewers and drains by the city.

A. Whenever the laying out or construction of a new public sewer or drain by the city is wanted, application therefor shall be made by petition in writing to the mayor or city council, signed by not less than six (6) inhabitants of the city or by the city planning director, or by the city engineer.

B. Upon filing of said petition, the mayor or city council may refer the petition to the board of public works for investigation, hearing and report thereon. Before holding any hearing on said petition, the board of public works shall give all parties notice in the same manner as required by Section 10.04.040.

C. After hearing all interested parties in the same manner as provided in Sections 10.04.030 and 10.04.040, the board of public works shall report to the mayor or city council whether in the board's opinion, the public convenience or the public health require the laying out or construction of a new public sewer or drain by the city. (Prior code §20-5)

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II. PUBLIC SEWERS AND DRAINS

11.08.060 Reference of proposed sewers or drains to the board of public works--Consent of persons interested for sewers or drains outside of streets.

A. No new public sewer or drain shall be constructed by the city unless the question of such construction or making shall first be referred to the board of public works, who shall report to the mayor and city council an estimate of its cost, the materials of which, and the manner in which the same should be constructed or made, and an estimate of the damage likely to be occasioned by construction, taking land, or encroachment of watercourses, and if the sewer or drain or any portion thereof shall be outside the limits of the streets, it shall not be constructed or made otherwise than by the consent of all persons interested, without the same proceedings being followed as are required for laying out streets as provided in Sections 10.04.080 through 10.04.130 (see also Section 11.08.050).

B. In addition to the aforementioned procedure the board of public works shall conduct a hearing for all interested parties, in accordance with the notification procedure set forth in Section 10.04.090, after the estimate for damages and estimate of assessments is complete, but before final enactment by the city council. (Prior code §20-6)

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II. PUBLIC SEWERS AND DRAINS
11.08.070 Plans for public sewers or drains.

A. Whenever any public drain or sewer is to be built, the director of public works shall make or cause to be made a plan of the same, showing the form, mode of construction, depth below the surface, relation of the sewer invert elevations to the city base, the alignment and general direction of the drain or sewer relative to the street lines or neighboring property, and the sill elevations of all houses to be served, which plan shall be kept on file in his office.

B. This plan shall be the basis of the evaluation and report by the board of public works required under Section 11.08.060. (Prior code §20-7)

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II. PUBLIC SEWERS AND DRAINS
11.08.080 Location in streets--Materials and dimensions.

All public sewers which shall be ordered by the mayor and city council in any street or highway shall, whenever practical, be laid out as nearly as is practicable in the center of such street or highway, and shall be constructed of such materials and of such dimensions as the mayor and city council directs. (Prior code §20-8)

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II. PUBLIC SEWERS AND DRAINS
11.08.090 Connection of private sewer to public sewer or private drain to public drain.

No connection shall be made between any private sewer or building sewer and any public sewer, or between a private drain and any public drain unless it is of such size, material, construction, depth and location, as the director of public works may direct, and until the appropriate permit has been obtained from the director of public works and all fees, charges, and assessments have been paid. (Prior code §20-9)

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II. PUBLIC SEWERS AND DRAINS

11.08.100 Private sewers or drains to become city property when connected--Size requirements.

A. All private sewers and drains laid by private parties in any street, court or way, open, or proposed to be opened for public travel and accommodation, shall become public sewers or drains when connected to public sewers or drains.

B. After the adoption of the ordinance codified in this chapter, no such sewer shall be connected with a public drain until plans showing size, material, construction, depth and location are approved by the director of public works and until the owner conveys in writing to the city exclusive control over the same, with the right to enter such street, court or way and dig up the same so far as necessary for repairing and controlling such sewer or drain and making connections therewith. (Prior code §20-10)

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II. PUBLIC SEWERS AND DRAINS

11.08.110 Permits.

A. No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or drain or appurtenance thereof without first obtaining an appropriate written permit from the director of public works.

B. Applicants shall apply for separate permits for sewers and drains.

C. Classes of permits shall be as follows:

1. Class A: residential, sewers;
2. Class B: commercial service and institutional, sewers;
3. Class C: industrial waste producing establishments, sewers;
4. Class D: drain permit.

D. The owner or his agent shall make application on a special form furnished by the director. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the director. A permit and inspection fee for each type of permit shall be paid to the city at the time the application is filed. The fee schedule will be established by the director and approved by the city council and mayor. Fees shall include the total cost of making the connections as provided in Section 11.08.030. (Prior code §20-11)

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III. BUILDING SEWERS AND PRIVATE SEWERS
11.08.120 License--Required.

A. No contractor or person shall be allowed to install or repair a building sewer and/or private sewer or drain unless properly licensed by the director of public works.

B. Such licenses shall be valid for one (1) year unless cancelled by the director for cause after a hearing.

C. Fees for such licenses shall be established by the director and approved by the city council and the mayor.

(Prior code §20-37)

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III. BUILDING SEWERS AND PRIVATE SEWERS
11.08.130 License--Grant.

The commissioner of public health shall, from time to time, license some person to remove night soil, the contents of privy vaults and cesspools, and to remove dead animals, subject to the provisions of the city ordinances, and all the rules of the public health council relating thereto. (Prior code §20-38)

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III. BUILDING SEWERS AND PRIVATE SEWERS
11.08.140 Installation, maintenance, repair or replacement charges.

A. The city shall be reimbursed by the owner for all costs incurred by the city for installation, maintenance, repair or replacement of building sewers and/or private sewers.

B. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by such installation, maintenance, repair or replacement.

C. If reimbursement is not made, the costs shall be considered a lien upon the property served by the building sewer and/or private sewer. (Prior code §20-12)

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III. BUILDING SEWERS AND PRIVATE SEWERS
11.08.150 Independent building sewers.

A. A separate and independent building sewer shall be provided for every building, except where one (1) building stands at the rear of another on a single lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway.

B. Under these circumstances, and upon approval of the director, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer.

C. Any such approval shall be by writ agreement and shall be recorded in the county registry of deeds. (Prior code §20-13)

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III. BUILDING SEWERS AND PRIVATE SEWERS
11.08.160 Approval and recording of private sewers.

A. A private sewer for the collection of two (2) or more building sewers shall be constructed only upon receipt of written approval by the director and shall be recorded in the county registry of deeds.

B. A copy of such approval and a plan prepared in accordance with all the requirements of this chapter shall be kept on file in the office of the director. (Prior code §20-14)

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III. BUILDING SEWERS AND PRIVATE SEWERS
11.08.170 Reuse of existing building sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the director, to meet all requirements of this chapter.

(Prior code §20-15)

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III. BUILDING SEWERS AND PRIVATE SEWERS
11.08.180 Construction requirements for building sewers and private sewers.

A. The size, slope, alignment and materials of construction of a sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall conform to the applicable rules and regulations of the director of public works. The private sewer or building sewer shall not be connected to the public sewer prior to certification by the director that the entire sewer has been properly constructed, inspected for conformance, and tested, and is ready for use. In the absence of specific rules and regulations or in amplification thereof, the materials and procedures set forth in appropriate specification of the latest edition of the ASTM and WPCF Manual of Practice No. 9, on file with the director, shall apply.

B. All excavations for sewer installation shall be adequately guarded by the licensed contractor 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 director of public works.

C. No person or persons shall construct a building sewer or a private sewer without first obtaining the appropriate permit from the director of public works. The director reserves the right to install any building sewer or private sewer with city forces. (Prior code §20-16)

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III. BUILDING SEWERS AND PRIVATE SEWERS
11.08.190 Depth of building sewer.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any plumbing connection is too low to permit gravity flow to the private sewer or public sewer, domestic wastewater discharged by such connection shall be lifted by a suitable means (which has been approved by the director of public works) and shall be discharged to the building sewer. (Prior code §20-17)

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III. BUILDING SEWERS AND PRIVATE SEWERS
11.08.200 Sanitary budding sewer restrictions.

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 to interior piping which in turn is connected directly or indirectly to a public or private sanitary sewer. (Prior code §20-18)

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III. BUILDING SEWERS AND PRIVATE SEWERS
11.08.210 Connection of building sewer or private sewer to public sewer.

A. The connection of the building sewer or private sewer into the public sewer shall conform to applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the latest edition of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the director before installation.

B. The applicant for the sewer permit shall notify the director when the sewer is ready for inspection and connection to the public sewer. The private sewer and building sewer shall not be connected to the public sewer prior to certification by the director that the entire sewer has been properly constructed, inspected for conformance, and tested, and is ready for use. The connection shall be made under the supervision of the director or his representative (see also Sections 11.08.030, 11.08.090, and 11.08.110).

C. Any person proposing a new discharge into the system or a change in the volume or characteristic of pollutants that are being discharged into the system shall notify the director at least forty-five (45) days prior to the proposed change of connection.

(Ord. 1986 Ch. 1 (part); prior code §20-19)

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IV. PRIVATE DRAINS
11.08.220 Requirements.

The requirements of Sections 11.08.140, 11.08.160, 11.08.170, 11.08.180 and 11.08.210 shall also apply to private drains. (Prior code §20-20)

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V. USE OF PUBLIC SEWERS
11.08.230 Unpolluted discharges.

A. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer other than such discharge as is present at the time of passage of the ordinance codified in this chapter. All new or altered connections, excluding ordinary repairs, to the sanitary wastewater system shall conform with this section.

B. Storm water and all other unpolluted drainage shall be discharged to such drains as are specifically designated as storm drains or combined sewer, or to a natural outlet approved by the director. Industrial cooling water or unpolluted process waters may be discharged, on approval of the director, to a storm drain, combined sewer, or natural outlet.

(Prior code §20-21)

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V. USE OF PUBLIC SEWERS
11.08.240 Polluted discharges--Prohibited.

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

A. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;

B. 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 wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant;

C. Any waters or wastes 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 wastewater works;

D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshing, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(Prior code §20-22)

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V. USE OF PUBLIC SEWERS
11.08.250 Polluted discharges--Restricted.

A. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the director that such wastes can harm either the sewers, wastewater treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance.

B. In forming his opinion as to the acceptability of these wastes, the director will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the wastewater treatment process, capacity of the wastewater treatment plant, degree of treatability of wastes in the wastewater treatment plant, and other pertinent factors.

C. The substances restricted are:

1. Any liquid or vapor having a temperature higher than one hundred forty degrees (140°) Fahrenheit, or such lower temperature specified by the director to ensure that the temperature of influent wastewater, at the city's wastewater treatment works does not exceed one hundred four degrees (104°) Fahrenheit;

2. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/liter or containing substances which may solidify or become viscous at temperatures between thirty-two degrees (32°) and one hundred fifty degrees Fahrenheit (150°) (zero (0°) and sixty-five degrees (65°) Centigrade);

3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the director;

4. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not;

5. Any waters or wastes containing phenols or other taste or odor producing substances in such concentrations as to exceed the limits established by the director and/or the requirements of the state, federal or other public agencies or jurisdictions for such discharge or the receiving waters;

6. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the director in compliance with applicable state or federal regulations;

7. Any waters or wastes having a pH in excess of 9.0;
 8. 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. Color or turbidity in such an amount that it will prevent the city from discharging a treated effluent in compliance with the water quality standards,
 - c. Unusual BOD, chemical oxygen demand, or chlorine demand in such quantities as to constitute a significant load on the wastewater treatment plant,
 - d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined in this chapter;
 9. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such a degree that the treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters;
 10. Septic tank solids that are not diluted sufficiently to assure that all particles will be carried freely under all flow conditions in the wastewater facilities. (Ord. 1986 Ch. 1 (part); prior code §20-23)
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V. USE OF PUBLIC SEWERS
11.08.260 Polluted discharges--Options of director.

A. If any waters of wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances in excess of the limits which may be established by the director or possess the characteristics which, in the judgment of the director, may have a deleterious effect upon the wastewater works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the director 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 chapter. The amount to be assessed shall include not only the aforementioned costs but also costs of ascertaining responsibilities.

B. If the director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the director, and subject to the requirements of all applicable codes, ordinances and laws. (Prior code §20-24)

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Sewers, Drains And Wastewater Treatment

V. USE OF PUBLIC SEWERS

11.08.270 Industrial wastewaters--Containing metals.

A. Any waters or wastes containing heavy metals including but not limited to arsenic, barium, cadmium, chromium, cobalt, copper, lead, nickel, tin, silver, gold, or zinc will require pretreatment before discharge to the city's system. Pretreatment shall be such as to reduce the concentration of heavy metals by appropriate methods in the pretreatment system effluent to a level equal to or less than the solubility of the oxide of hydroxide of the heavy metal.

B. Sludges resulting from the pretreatment process may not be discharged to the sewerage system. The above requirement is in compliance with the policy of the Massachusetts Division of Water Pollution Control. Stricter limits may be imposed if it is found necessary to meet water quality standards. Industries discharging or requesting to discharge beryllium, mercury, arsenic or selenium in any quantity will additionally obtain approval of the Division of Water Pollution Control or their appointed successors. (Prior code §20-25)

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V. USE OF PUBLIC SEWERS

11.08.280 Industrial wastewaters--Containing grease, oil, or sand.

A. Grease, oil, and sand interceptors shall be provided when, in the opinion of the director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable castes, sand, or other harmful ingredients; except, that such interceptors shall not be required for private living quarters or dwelling units.

B. All interceptors shall be of a type and capacity approved by the director, and shall be located as to be readily and easily accessible for cleaning and inspection.

(Prior code §20-26)

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V. USE OF PUBLIC SEWERS

11.08.290 Industrial wastewaters--Control manholes.

A. When required by the director, 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.

B. Such manholes, when required, shall be accessibly and safety located, and shall be constructed in accordance with plans approved by the director.

C. 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. (Prior code §20-28)

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V. USE OF PUBLIC SEWERS

11.08.300 Industrial wastewaters--Measurement, testing and analyses.

A. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter 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 or private 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 wastewater works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a 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 (24) hour composites of all outfalls, whereas pH's are determined from periodic grab samples).

B. Furnishing required analyses, flow data, etc., shall be the responsibility of the applicant. The director will stipulate the minimum analyses and other data that shall be obtained and shall conduct such wastewater sampling and measuring programs as are requested by the applicant. Expenses thus incurred by the city shall be assessed to the applicant.

C. All industries discharging into a public sewer system shall perform such monitoring of their discharges as the director and/or other duly authorized employees of the city may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the director. Such records shall be made available by the director, upon request, to other governmental agencies or city departments having jurisdiction over discharges to receiving water. (Prior code §20-29)

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V. USE OF PUBLIC SEWERS
11.08.310 Industrial wastewaters--Treatment by city.

A. No statement contained in this article shall be construed as preventing any agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore, by the industrial concern.

B. Such agreement or arrangement shall first be approved by the city council and the mayor.

C. Such agreements may not waive pretreatment standards (local and categorical), unless such a waiver is granted by mechanisms established under the general pretreatment regulations. Prohibited discharge standards may not be waived under any circumstances.

(Ord. 1986 Ch. 1 (part); prior code §20-30)

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V. USE OF PUBLIC SEWERS

11.08.320 Maintenance and operation of pretreatment or flow-equalizing facilities.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in a condition satisfactory to the director and be effectively operated by the owner at the owner's expense.

(Prior code §20-27)

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V. USE OF PUBLIC SEWERS

11.08.330 Disposal of septic tank solids.

No septic tank solids shall be discharged to the city's wastewater system except by specific permission of the director. The director shall designate the locations where septic tank solids may be discharged to the wastewater system and the conditions for such discharge. (Prior code §20-31)

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VI. INDUSTRIAL PRETREATMENT PROGRAM

11.08.340 Compliance with pretreatment regulations and categorical standards.

All persons discharging wastewater into a public sewer shall comply with federal and state industrial pretreatment regulations (as amended). Industrial users shall comply with federal and state general pretreatment standards and with applicable categorical standards. Compliance with such standards shall be achieved no later than the date such standard is effective, unless a shorter compliance time is specified by the director.

(Ord. 1986 Ch. 1 (part): prior code §20-32 (a)(a))

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VI. INDUSTRIAL PRETREATMENT PROGRAM
11.08.350 Sampling, analysis and surveillance.

The director shall randomly sample and analyze the discharges of industries connected to a public sewer and shall conduct surveillance and inspection activities to identify, independent of information supplied by such persons, occasion and continuing noncompliance with this ordinance (as amended). (Ord. 1986 Ch. 1 (part): prior code §20-32 (a)(b))

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VI. INDUSTRIAL PRETREATMENT PROGRAM
11.08.360 Industrial discharge permit--Required.

A. Within one hundred twenty (120) calendar days after the effective date of the ordinance amendment codified in this article, all industrial users shall apply for an industrial discharge permit. Such application shall be made by completing a form developed by the director. Beginning two hundred forty (240) calendar days after the effective date of the ordinance amendment codified in this article, no industrial user may continue to discharge wastewater to a public sewer without an industrial discharge permit duly issued by the director.

B. All new industrial users proposing to discharge wastewater to a public sewer shall apply for an industrial use discharge permit at least sixty (60) calendar days before connecting to the public sewer. As part of such application, the director may require the applicant to obtain written certification from the appropriate federal and state regulatory agencies as to whether the applicant falls within particular industrial categories or subcategories for purposes of industrial pretreatment standards.

(Ord. 1986 Ch. 1 (part): prior code §20-32(a)(c),(f))

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VI. INDUSTRIAL PRETREATMENT PROGRAM
11.08.370 Industrial discharge permit--Compliance.

The terms of an industrial discharge permit may be modified by the director and a reasonable time provided for compliance with such modified terms. Violations of the terms of such permits are violations of this ordinance. Where a conflict exists between the terms of a duly issued permit and this chapter, this chapter shall govern, unless the permit is more restrictive. Permits may be issued for a maximum period of three (3) years and may not be transferred to a new owner or occupant of the premises without the director's written approval.

(Ord. 1986 Ch. 1 (part): prior code §20-32(a)(d))

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VI. INDUSTRIAL PRETREATMENT PROGRAM
11.08.380 Industrial discharge permit--Modification, suspension, revocation.

A. A permit may be modified, suspended or revoked in the discretion of the Director for:

1. Violations of the terms and conditions of the permit;
2. Violations of this article;
3. Violations of any state or federal statutory provisions or regulations;
4. Falsification of any information or reports submitted to the director;

5. Changes in conditions, or the existence of a condition, which require either a temporary or permanent reduction or elimination of the authorized discharge;

6. To require compliance with applicable pretreatment or other water pollution standards promulgated by state or federal agencies.

B. If the director determines that conditions exist that constitute an imminent endangerment to the health or welfare of persons, or an endangerment to the environment or which threaten to interfere with the operation of the wastewater facility, the director may immediately modify, suspend or revoke the permit, and shall give notice to the permit holder of the action and the right of the permit holder to request a hearing before the director within forty-eight (48) hours of the revocation, suspension or modification. Upon notification of the permit holder's request for a hearing, the director shall establish a hearing date and time within one (1) working day of the request for a hearing.

C. In all instances of revocation, modification or suspension of a permit, the director shall notify the permit holder fourteen (14) days prior to the effective date of the permit action, and of the permit holder's right to request a hearing before the director within seven days of the notice. Upon notification of the request for hearing, the director shall establish a hearing date and time within seven (7) days of the request for a hearing.

D. If a permit holder does not request a hearing within the proper time period, the action of the director shall become final. Following the hearing, the director may take such action as he deems appropriate as to the suspension, revocation or termination of the permit.

(Ord. 1986 Ch. 1 (part): prior code §20-32 (a)(e))

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VI. INDUSTRIAL PRETREATMENT PROGRAM
11.08.390 New pretreatment standards.

A. Within ninety (90) days after adoption by a federal or state regulatory agency of a categorical pretreatment standard, existing industries subject to such standards shall submit an industrial discharge permit amendment application containing information required under applicable federal and state industrial pretreatment reporting regulations in the form required by the director. (Such permit amendment application is in addition to the industrial user discharge permit application required in this article.) Such information, as a minimum shall include:

1. The name and address of the facility, including the name of the operators and owners;
2. A list of all environmental permits held by or for the facility;
3. A brief description of the nature, average rate of production, and standard industrial classification of the operations carried out at such facility;
4. A schedule of actions to be taken to comply with the categorical standards;
5. Information showing the measured average daily and maximum daily flow, in gallons per day, to the public sewer from regulated process streams and from other streams.

The director may require that additional information be included in the application.

B. Beginning one hundred eighty (180) days after the adoption of federal or state categorical pretreatment standards, industries subject to such standards may not discharge industrial wastes from processes regulated by such categorical standards to a public sewer, unless an industrial discharge permit amendment is approved by the director and its terms are being met. Such permit amendment may include a compliance schedule for activities necessary to meet pretreatment standards.

(Ord. 1986 Ch. 1(part): prior code §20-32 (a)(g),(h))

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VI. INDUSTRIAL PRETREATMENT PROGRAM
11.08.400 Report of standard compliance.

Within ninety (90) days after the date for final compliance by existing industries within applicable categorical pretreatment standards, or in the case of a new source, following commencement of the introduction of wastewater into a public sewer, such industries shall submit a report indicating the nature and concentration of pollutants in the discharge from the regulated process(es) governed by categorical pretreatment standards and the average and maximum daily flow for these units. Such report shall state whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional operation and maintenance practices or pretreatment is necessary. Such industrial users shall also submit before June 1st and December 1st each year, unless required more frequently by the director, a report indicating the nature and concentration of pollutants in the discharge, average and maximum daily flows, and violations of applicable categorical pretreatment standards. Additional requirements for such periodic reports may be imposed by the director.

(Ord. 1986 Ch. 1 (part): prior code §20-32(a)(i))

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VI. INDUSTRIAL PRETREATMENT PROGRAM
11.08.410 Slug discharge notice.

Industries shall immediately notify the director in person or by telephone followed by written notice of any slug discharged by such user.

(Ord. 1986 Ch. 1 (part): prior code §20-32(a)(j))

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VI. INDUSTRIAL PRETREATMENT PROGRAM
11.08.420 Authorized representatives.

Reports and permit applications submitted by industries under this article shall be signed by an authorized representative. An authorized representative may be:

- A. A principal executive officer of at least a level of vice president, if the industrial user is a corporation;
- B. A general partner or proprietor, if the industrial user if a partnership or sole proprietorship; or
- C. A duly authorized representative of either of the individuals designated in subsections A and B of this section, if such representative is responsible for the overall operation of the subject facility.

(Ord. 1986 Ch. 1 (part): prior code §20-32 (a)(k))

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VI. INDUSTRIAL PRETREATMENT PROGRAM
11.08.430 Recordkeeping.

A. Industries subject to the reporting requirements of this chapter shall maintain records of information resulting from monitoring activities required to prepare such reports.

B. Such records shall include for each sample:

1. The date, exact place, method and time of sampling and the name(s) of person(s) taking the sample;
2. The dates the analyses were performed;
3. The name(s) of the person(s) performing the analyses;
4. The analytical techniques and methods used; and
5. The results of such analyses.

C. Such records shall be maintained for a minimum of three (3) years and shall be made available for inspection and copying by the director.

(Ord. 1986 Ch. 1 (part): prior code §20-32(a)(1))

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VI. INDUSTRIAL PRETREATMENT PROGRAM
11.08.440 Record confidentiality.

Information and data submitted to the director relating to wastewater discharge characteristics shall be available to the public and governmental agencies without restriction. Other such information shall be available to the public and governmental agencies without restriction, unless the person providing such information specifically requests and is able to demonstrate to the satisfaction of the director that the release of such information would divulge processes or methods of production entitled to protection as trade secrets. Trade secrets shall not be made available for inspection by the public, but may be made available upon the written request of the governmental agencies for their use regarding this chapter, the national pollutant discharge elimination system (NPDES) permit, and state disposal system permits and/or the pretreatment program. Information accepted by the director as being a trade secret shall be treated in accordance with Massachusetts General Laws Chapter 4, Section 7 and 40 CFR 403.14.

(Ord. 1986 Ch. 1 (part): prior code §20-32(a)(m))

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VI. INDUSTRIAL PRETREATMENT PROGRAM
11.08.450 Dilution--Mass limitations.

No person may utilize dilution as a means of complying with federal, state or local discharge limitations. The director may impose mass limitations (in addition to concentration limitations) on the discharge of any pollutant by any person. (Ord. 1986 Ch. 1 (part) : prior code §20-32 (a)(n))

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VI. INDUSTRIAL PRETREATMENT PROGRAM
11.08.460 Annual report of violators.

The director shall annually publish a report of industrial users that were significant violators during the previous twelve (12) months in the largest daily newspaper published by the city. For purposes of this provision, a significant violation includes:

- A. A violation remaining uncorrected forty-five (45) days after notification of noncompliance;
- B. A pattern of noncompliance over a twelve (12) month period;
- C. A failure to accurately report noncompliance; or
- D. A violation resulting in the director's exercise of emergency powers under Section 11.08.560.

(Ord. 1986 Ch. 1 (part): prior code §20-32 (a)(o))

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VI. INDUSTRIAL PRETREATMENT PROGRAM
11.08.470 Permit fees.

A. The annual operating costs incurred by the city for implementation of the industrial pretreatment program, including the costs of labor, equipment, monitoring, sample analyses by the city and outside laboratories, and related items, shall be recovered from industrial users. The director shall establish annual permit fees to be paid by industrial users in the amounts necessary to recover such costs. The director may set different levels of permit fees for various classes of industrial users and may adjust such fees on an annual basis to ensure that the industrial pretreatment costs are fully recovered.

B. The director shall file such fees with the city clerk within ten (10) days and the city council may revise the fees to be retroactive sixty (60) days from the date the mayor signs the order.

(Ord. 1986 Ch. 1 (part): prior code §20-32 (a)(p))

Title 11
Public Services
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Sewers, Drains And Wastewater Treatment
VII. WASTEWATER WORKS
11.08.480 Protection from damage.

No person shall maliciously or willfully break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the wastewater works. Any person violating this provision shall be subject to arrest and a fine to the extent permitted by law.

(Prior code §20-32)

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Public Services
Chapter 11.08
Sewers, Drains And Wastewater Treatment
VIII. INSPECTION ON PRIVATE PROPERTIES
11.08.490 Powers and authority of inspectors.

A. The director and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The director or his representative 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 wastes treatment. Such powers shall also include the inspection and copying of records and reports required to be kept under this chapter.

B. While performing the necessary work on private properties referred to in subsection A of this section, the director or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company.

(Ord. 1986 Ch. 1 (part); prior code §20-33)

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Public Services
Chapter 11.08
Sewers, Drains And Wastewater Treatment
IX. POWERS AND DUTIES OF DIRECTOR
11.08.500 Powers and duties of director of public works in respect to sewers, drains, and wastewater treatment.

The director of public works shall be responsible for the operation and maintenance of the wastewater works, the administration of contracts and agreements between the city and municipalities and industries served by the city, and the administration of this chapter. He shall make all rules and regulations required to satisfactorily implement and enforce the provisions of this chapter and the intent thereof. The rules and regulations shall include, but not be limited to the following:

- A. Standards for public sewers and drains;
- B. Standards for private sewers and drains;
- C. Standards for building sewers;
- D. Licenses, permits, application forms, and fees;
- E. Leakage tests;
- F. Discharges allowed to public sewer;
- G. Monitoring of discharges to public sewer;
- H. Operation and maintenance of facilities;
- I. Safety.

(Prior code §20-34)

Title 11
Public Services
Chapter 11.08
Sewers, Drains And Wastewater Treatment
X. MISCELLANEOUS PROVISIONS
11.08.510 Manner and time of transporting.

No person shall remove or transport through any street or passageway in the city any substances mentioned in Section 11.08.130, except in such manner, at such time, and in such vessels or vehicles as the public health council may prescribe. (Prior code §20-39)

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Sewers, Drains And Wastewater Treatment
X. MISCELLANEOUS PROVISIONS
11.08.520 Transportation without license.

No person, not licensed under the provisions of Section 11.08.130, unless permitted to do so under the provisions of General Laws, Chapter 111, Section 31A, shall remove or transport through any street or passageway in the city any substances specified in Section 11.08.130. (Prior code §20-40)

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X. MISCELLANEOUS PROVISIONS
11.08.530 Vehicles and utensils.

No person shall at any time whatsoever carry into or through any public street of the city, any part of the contents of any privy vault or cesspool, in any cart, wagon or other vehicle or utensil which shall not be closely covered, watertight and kept clean upon the outer surface.

(Prior code §20-41)

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X. MISCELLANEOUS PROVISIONS
11.08.540 Charges for removal.

Every person licensed under the provisions of Section 11.08.130 shall be entitled to collect from the owner, occupant, or person having charge of the premises from which he has removed any of the substances mentioned in Section 11.08.130, such compensation as shall be fixed by the rules of the public health council, whether such removal is made upon the application of such owner, occupant or agent, or by order of the commissioner of health. (Prior code §20-42)

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Chapter 11.08
Sewers, Drains And Wastewater Treatment
XI. VIOLATION--PENALTY
11.08.550 Violation--Discharge halt or prevention.

A. The director, after notifying the discharger by telephone or in person, may immediately halt or prevent any discharge of pollutants to a public sewer that reasonably appears to present an imminent endangerment to the health or welfare of persons, or any such discharge presenting (or which may present) an endangerment to the environment or which threatens to interfere with the operation of the city's wastewater works. Actions which may be taken by the director may include, but are not limited to, seeking injunctive relief, entry on private property to halt such discharge, blockage of a public sewer to halt such discharge, or demand of specific action by the discharger.

B. The director is authorized to take all appropriate action to enforce the terms of an industrial discharge permit or this chapter.

(Ord. 1986 Ch. 1 (part): prior code §20-34(A))

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Sewers, Drains And Wastewater Treatment
XI. VIOLATION--PENALTY
11.08.560 Violation--Penalty.

A. Any person found to be in violation of any provision of this chapter shall be penalized up to one thousand dollars (\$1,000) per violation. The director may seek imposition of civil and/or criminal penalties for violations of this chapter to the maximum extent set forth in this chapter and in other current or future laws.

B. Any person violating any of the provisions of this chapter and regulations shall become liable to the city for any fine assessed to the city, any expense, loss, or damage occasioned the city by reason of such violation.

Title 11
Public Services
Chapter 11.12
Assessments And User Charges For Wastewater Facilities
I. GENERAL PROVISIONS
11.12.010 Definitions.

For the purposes of this chapter, the words set out in this section shall have the following meanings:

A. "Abutter" means one who holds titles to real property within the limits of a sewer improvement area and his successors in title.

B. "Applicant" means any person requesting approval to discharge wastewaters into municipal facilities or for a new connection to the public system.

C. "Biochemical oxygen demand (BOD5)" means the quantity of dissolved oxygen, expressed in milligrams per liter, used in the biochemical oxidation of wastewater in five (5) days at twenty degrees (20°) Centigrade (sixty-eight degrees (68°) Fahrenheit) under standard laboratory procedures.

D. "Commercial" means a classification of user which includes all retail and wholesale establishments, businesses, and offices including but not limited to office buildings, retail and wholesale outlets, service agencies, agents, brokers, professional offices, etc.

E. "Developed property" means property that generates wastewater.

F. "Director" means the director of public works of the city.

G. "Dry industry" means a classification of user which includes all industries which do not use water for processes, do not use large volumes of water for cleaning, or for which total annual wastewater production is less than one hundred thousand (100,000) cubic feet.

H. "Industry" means an establishment with facilities for manufacturing, processing, fabricating, finishing, assembly, testing, or packaging goods including materials, chemicals, byproducts, and finished and unfinished products.

I. "Institutional" means a classification of user which includes all schools, churches, governmental buildings and offices, religious organizations, and similar facilities, both profit and nonprofit.

J. "Lot" means real property which is described by deed, or filed subdivision plan, as a single entity and cannot not be further subdivided.

K. "Parcel" means real property consisting of one (1) lot, or two (2) or more contiguous lots, under one (1) ownership.

L. "Sewer improvement area" means all that land contained with boundaries which shall include all areas served by an extension of the sewerage system (areas to be serviced by pumping facilities shall be considered separate sewer improvement areas), the boundaries of the sewer improvement area shall include only those parcels and portions of parcels which can be directly served by the public sewer (public sewer is located in a right-of-way, street, public way or easement which is adjacent to the parcel and the public sewer abuts an extension of the nearest property line of the parcel) and which will require a building sewer not exceeding one hundred (100) feet in length between the property line and the public sewer, measured along the shortest route between the public sewer connection point and the intersecting of the building sewer at the property line, such that the building sewer does not pass through adjacent private land.

M. "Suspended solids (SS)" means all solids that either float on the surface of, or are in suspension in water, wastewater, or other liquids, and which are removable by laboratory filtering, and are referred to as nonfilterable residue in the laboratory test prescribed in "Standard Methods for the Examination of Water and Wastewater."

N. "Total abutter frontage" means the summation of individual abutter frontages in a sewer improvement area, whether or not some parcels may be deferred or excluded from assessment. City streets and ways shall not be included.

O. "Undeveloped property" means property that is void of any buildings, does not have wastewater facilities, and does not require a connection to the public sewer.

P. "User" means the person, as defined in this section, who holds title to real property with the city, and his successors in title, who discharges a wastewater.

Q. "Wastewater" means the spent water of the municipality and may be a combination of the liquid and liquid-borne wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater and surface water that may be present.

R. "Wet industry" means a classification of users which includes all industries which produce large volumes of wastewater; or which produces a wastewater of greater strength than residential wastewater (or contains constituents which require pretreatment in accordance with Chapter 11.08) shall be classified as a wet industry for purposes of this chapter. (Prior Code § 20A-1)

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II. ASSESSMENTS--SANITARY SEWERS

11.12.020 Calculations and method of assessments for new public sewers.

A proportionate cost of each extension of the public sewer system, including the cost of all required pumping stations and appurtenances thereto, shall be distributed between the city and the abutters in an equitable manner, based on the estimated cost of the project.

A. The proportionate cost shall be the sum of the following:

1. The estimated cost of all eight-inch (8") diameter and smaller public sewers, including appurtenances thereto.
2. The proportionate share of the estimated costs of pumping facilities, including appurtenances thereto, determined by a direct ratio of design capacities as established by the director.
3. The proportionate share of the costs, as stated in this chapter, of sewers larger than eight-inch (8") diameter. For all public sewers larger than eight-inch (8") diameter, the director shall estimate the cost of eight-inch (8") diameter public sewers required to serve the parcels within the sewer improvement area. The director shall use the estimated cost of eight-inch (8") diameter sewers to establish the proportionate share of the costs of sewers larger than eight-inch (8") diameter.

B. The assessment for an individual parcel shall be the sum of a frontage charge and an area charge.

1. The frontage charge shall be the product of the assessable abutter frontage and a charge per foot. The assessable abutter frontage shall be the actual street frontage, but not less than the minimum frontage required by the zoning ordinance. Where a lot has frontage on more than one (1) street, the shortest frontage, but not less than the minimum frontage required by the zoning ordinance, shall be the assessable abutter frontage. One-half (1/2) of the length of any curve connecting two (2) intersecting

streets shall be included in the assessable abutter frontage. Where a parcel which has been (or could be under the zoning ordinance) subdivided into two (2) or more lots has frontage on more than one (1) street, the total frontage shall be the assessable abutter frontage. Where one (1) or more lots can be classified as undeveloped property, a deferment of a portion of the assessment may be granted under subsection C of Section 11.12.080.

2. The charge per foot shall be the quotient of twenty percent (20%) of the estimated proportionate cost of all sewers, pump stations, and all other appurtenances that are required to serve that particular "sewer improvement area" divided by the "total abutter frontages" in the sewer improvement area, whether or not some parcels may be deferred or excluded from assessment.

C. The area charge shall be the product of the assessable parcel area and a charge per square foot. The assessable parcel area shall be equal to the total parcel area where the parcel depth is less than one hundred (100) feet; for parcels with lot depth greater than one hundred (100) feet, only that portion of the total area of the individual lots within one hundred (100) feet measured perpendicular to the street line shall be used for assessment purposes. The charge per square foot shall be one and one-half percent (1 1/2%) of the above frontage charge per foot.

D. In no case shall the assessment exceed the benefit received by the land assessed. (Prior code §20A-2)

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II. ASSESSMENTS--SANITARY SEWERS
11.12.030 Project costs to be paid by city.

The city will pay the difference between the actual total project cost and the summation of all calculated abutter costs within the sewer improvement area, as described in Section 11.12.020.

A. The amount of assessments granted exemptions under Section 11.12.070 will be paid by the city.

B. All assessments deferred under Section 11.12.080 will be assumed by the city for the period of deferment. The city shall be reimbursed by the parcel owners for all deferred assessments as provided under Section 11.12.080.

C. The full amount of any abatement granted will be paid by the city.

D. The assessments computed in accordance with Section 11.12.020 and approved by the city council after the proceedings outlined in Section 11.08.060 shall not be increased as a result of exemptions, deferments, or abatements granted on some parcels. (Prior code §20A-3)

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II. ASSESSMENTS--SANITARY SEWERS
11.12.040 Capacity charge to be paid by commercial and industrial users.

A. A one (1) time capacity charge shall be paid upon connection to the city's wastewater works by all commercial and industrial users who contribute wastewater at a peak rate in excess of ten (10) cubic feet per minute according to the following schedule for each cubic foot per minute or fraction thereof of peak wastewater flow anticipated from the property:

1. From ten (10) cfm to fifteen (15) cfm, one hundred dollars (\$100) per cfm for every cfm over ten (10) cfm;
2. From fifteen (15) cfm to thirty (30) cfm, five hundred dollars (\$500) plus fifty dollars (\$50) for each cfm over fifteen (15) cfm;
3. Over thirty (30) cfm, one thousand two hundred fifty dollars (\$1250) plus twenty-five dollars (\$25) for each cfm over thirty (30) cfm.

B. Upon application for these services, the applicant shall submit an estimated peak wastewater flow together with the information required in Article V of Chapter 11.08, plus any additional information requested by the director for verification of the estimate.

C. If the capacity charge computed above exceeds five hundred dollars (\$500), the first five hundred dollars (\$500) shall be paid with the application and the balance may be paid in the same manner as a betterment assessment.

D. At such time that the peak rate of discharge exceeds the amount paid for in the capacity charge, application shall be made for the increased capacity required. Upon approval by the city an additional capacity charge shall be paid. This new capacity charge shall be calculated in accordance with the above schedule. The amount due shall be equal to the total calculated capacity charge less credit for all previous payments under this section. In the event that the city does not approve the application for additional capacity, the applicant shall within sixty (60) days reduce the sixty (60) day period allowed for reduction of flow that the actual discharge exceeds the approved capacity, shall be considered a separate violation of this chapter. The discharger shall be subject to fine and penalty in accordance with Section 12(t) of Chapter V of 1972 Revised Ordinances of Springfield. At any time upon inspection by the city it is found that the discharge exceeds the approved capacity, he shall be subject to fine in accordance with Section 12(t) of Chapter V of 1972 Revised Ordinances of Springfield for each day that the approved flow is exceeded until a new application is approved. Each day shall be considered a separate offense.

E. No reimbursement will be made by the city for reduction of peak rate.

F. The capacity charges calculated above shall reimburse the city for capacity provided in the existing wastewater works; however, it will not obligate the city to enlarge the capacity of the existing wastewater works for the benefit of an individual user. Should such enlargements be required, a separate agreement must be entered into with the city. Such agreement must provide for equitable cost recovery by the city.

G. The dollar amount of the above capacity charge schedule will be revised annually and become effective on the first Monday in January of each year by the ratio that the Engineering News Record Construction Cost Index for that date bears to 1850.

H. All commercial and industrial users who are connected to the public sewer on the date that the ordinance codified in this chapter is adopted shall within one hundred eighty (180) days from the date of adoption make application for capacity on an official form obtained from the director. Required capacity shall be computed taking fully into account the reduction in peak discharge anticipated by July, 1977 through the separation of cooling water and the provision of equalization and surge facilities to minimize peak discharges. Prior to June 30, 1977, the director will review the application, verify the peak discharge, and establish the capacity charge. The capacity charge for an existing user shall be paid prior to July 1, 1977. In the event that the charge exceeds five hundred dollars (\$500), and initial five hundred dollar (\$500) payment shall be made prior to July 1, 1977, and the balance shall be paid in accordance with subsection B of this section.

I. Any user who qualifies for delayed payment of the capacity charge under subsection G of this section shall forfeit such right if modifications are made (to the wastewater facilities, building, processes, production capability, etc.) which will result in an increase in the peak flow over that discharged during the six (6) month period prior to the adoption of the ordinance codified in this chapter.

J. Any user may add wastewater storage facilities which will store all peak discharges for automatic release (controlled by time clock) during times specified by or approved by the director. If the facilities provided result in a discharge of peak flows during the hours of normal city low flow (one (1:00) a.m. to five (5:00) a.m.) and do not create a peak flow in the public sewers greater than the average daily peak upstream of the user's discharge, than the director may give an appropriate reduction in the capacity charge. (Prior code §20A-4)

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II. ASSESSMENTS--SANITARY SEWERS
11.12.050 Wastewater service from municipal sewer.

The owners of all properties who desire service of a public sewer or who by law are required to have service, shall pay the assessments and capacity charges (where applicable) existing at the time of issuance of the permit (if the full assessments and charges have not already been paid) and user charges, plus the cost of installing the necessary building sewers and private sewers (if required) including lifting devices where required as set out in Section 11.08.190, the cost of making the connection(s) to the public sewer, and all applicable fees, as determined by the director of public works. (Prior code §20A-5)

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II. ASSESSMENTS--SANITARY SEWERS
11.12.060 Methods of payment of assessments and charges.

A. All assessments and charges arising from the extension of and/or the connection to the city's wastewater works become liens against the properties to which they apply in accordance with the provisions of the General Laws.

B. The abutters, whether or not they wish to connect to the wastewater works, shall pay the full assessment as a lump sum payment, or a portion of the assessment in a lump sum payment and the balance, with interest in annual payments in accordance with the provisions of Chapter 80 of the General Laws.

(Prior code §20A-6)

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II. ASSESSMENTS--SANITARY SEWERS
11.12.070 Exemptions and reductions in assessments under special cases.

In the event that property is included in the sewer improvement area which cannot be completely served by a gravity connection between the building sewer and the public sewer or cannot be served in its entirety the assessment against that property shall be adjusted accordingly:

A. Owners of properties served only partially by new sewers shall pay an assessment based on the abutter frontage and assessable area computed for the number of minimum-sized lots (in accordance with the requirements of the zoning ordinance) which can be served (providing the portion not served is not in common use with the portion served).

B. An owner of a developed parcel which cannot be served by a gravity connection between the building sewer and public sewer will pay an assessment which is reduced by the amount equal to the extra cost of providing a suitable pumping or lifting device adequate to lift the wastewater from the building plumbing system and discharge it to the public sewer. The owner shall fully document the extra cost involved to the satisfaction of the director of public works. The resulting reduction in the assessment shall not exceed the least of:

1. The reasonable extra cost to the owner;
2. One-half (1/2) of the full assessment; or
3. The full assessment due on a minimum size lot allowed under the zoning ordinance.

The city shall reserve the option of furnishing and installing the required sewage lifting or plumbing installation in lieu of granting the reduction in the assessment.

C. Property owned by charitable organizations and non-profit organizations shall not be exempt from payment of assessments and charges. (Prior code §20A-7)

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III. ASSESSMENTS--DRAINS
11.12.090 Drains.

All sections contained in Article II of this chapter, except Section 11.12.040, shall apply to drains in the same manner as for sewers, with Section 11.12.020, revised as provided in this section:

For every instance where the term "eight-inch (8") diameter or smaller public sewer" is used in Section 11.12.020, "twelve-inch (12") diameter or smaller public drain" will be substituted. Also for every instance where the term "eight-inch (8") diameter" is used in Section 11.12.020, "twelve-inch (12") diameter" will be substituted. The cost of twelve-inch (12") drains will be used as the proportionate share of the costs of public drains. (Prior code §20A-9)

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IV. USER CHARGES
11.12.100 Those subject to user charges.

All users, abutters, and owners, each with developed property which can be directly served, as defined in subsection L of Section 11.12.010, by a public sewer, shall pay regular charges for service as enumerated in Sections 11.12.110 through 11.12.130, in addition to charges and assessments for construction of the sewers, connection to the public sewer and for permits, as provided for elsewhere in this chapter. Within this article, the term "user" shall apply to all who are subject to the user charges, as defined in Section 11.12.010.

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IV. USER CHARGES
11.12.110 User charges, classification and abatement.

A. General Requirements.

1. Sewer Use Fees. Sewer use fees shall consist of a rate per hundred cubic feet of normal strength wastewater used, a surcharge for wastewater of a higher concentration than is allowed under the rate for normal strength wastewater and a service charge. The charges which follow in subsection B of this section apply to all classes of users, including residential, commercial, institutional, industrial, governmental, charitable and nonprofit uses.
2. Metering for Billing Purposes. Where metering devices are not installed by the owner for the purpose of measuring the actual quantity of wastewater discharged, the water use measured by a meter approved by the city shall be used for billing purposes. Wastewater volume, determined from city water consumption, shall be established from the usage determined by the city's water department.
3. Water Consumption Served by Wells. Water consumption of each user which is served by a well shall be deemed to be equal to the average water consumption of comparable city dwelling units as determined by the director, subject to the appeal process set forth below.
4. Requirements for Users with Wells. The director may require a user served by a well to submit a sworn statement of water consumption for the year. Such statement is to be supported by available records or other evidence of water consumption. The director may require any nonresidential user served by a well to install and maintain a metering or measuring device to determine wastewater strength or usage at the sole expense of such user as a condition of using the sewer facilities.

B. Charges.

1. Rates. The schedule of rates given in Table 11.12.110 shall apply to all users who discharge wastewater. The minimum annual rates indicated in the table shall be the flat rate charges for normal strength wastewater. The applicable surcharges set forth in subdivision 2 of this subsection shall be added thereto.
2. Surcharges. Surcharges as set forth in Table 11.12.110 will be assessed against all users who discharge a larger volume of wastewater and/or wastewater of a higher concentration than is allowed under the rate charged for normal strength wastewater. Surcharges shall be over and above and in addition to the rate charged for normal strength wastewater.
3. Special Allowance for Nonwastewater Producing Water Usage.
 - a. An allowance will be made for any user consuming metered water which is not discharged into the wastewater collection system provided that a separate (city approved) sealed meter is provided by the user to measure this water.
 - b. No allowance shall be made if the city seals on meters have been broken.
4. Metering and Billing. Metering and billing shall be as follows:

- a. All rates are based upon the metered use of water where applicable.
- b. Billing periods for all users shall be the billing periods of the water department.

Surcharges for BOD and suspended solids shall be determined and billed for each billing period.

5. Procedures and Conditions for Abatements, Reclassification and Special Allowances--Appeals.

a. All requests for reclassifications, special allowances and abatements shall be made in writing to the director or his nominee on an approved form obtained from the office of the director within forty-five (45) days of the date of the billing.

b. Upon receipt of a request for abatement, reclassification or special allowance, the director or his nominee shall determine whether such abatement, reclassification or special allowance shall be granted in accordance with the criteria listed in subparagraph f of this subdivision. The director or his nominee shall notify the applicant in writing whether the requested abatement, reclassification or special allowance has been granted or denied and the reasons therefor. The burden of proving eligibility for an abatement, reclassification or special allowance shall be upon the applicant.

c. There shall be established a sewer use review board which shall hear appeals to the decision of the director or his nominee. The board shall be composed of three (3) residents of the city to be appointed by the mayor of the city; one member of the board shall be appointed from those residential users designated as single-family residences and two (2) family residences and one member shall be appointed from those users designated as three (3) family residence, four (4) family residence, multifamily residence and trailer park; the remaining board member shall be chosen from industrial, commercial and institutional users of the sewer system.

Each member of the board shall serve a term of two (2) years with the exception that the first appointment of a member of the board from the nonresidential users of the sewer system shall be for one (1) year. The members of the board shall serve without stipend.

d. Any user who has filed for an abatement, reclassification or special allowance and who is aggrieved by the decision of the director or his nominee may appeal the decision of the director or his nominee to the sewer use review board.

Any appeal to the sewer use review board shall be filed within twenty-one (21) days of the date of the decision of the director or his nominee unless the sewer use review board, for good cause shown, allows otherwise.

e. An abatement reclassification or special allowance shall be granted if the applicant shows that failure to do so would result in a charge which is not equitable, reasonable and proportional. The criteria which shall be used to determine if a charge is not equitable, reasonable and proportional are: the volume of water including surface or drain water discharged into the system; the character of the sewage or industrial or other wastes discharged into the system and the nature of the use made of the sewage system including any use of the sewage facilities.

f. The decisions of the sewer use review board shall be rendered in written form within thirty (30) days of receipt of application and shall state the reasons for the action taken. The decision of the sewer use review board shall be binding upon the director.

g. All bills shall be paid pending decision by the director and the sewer use review board.

IV. USER CHARGES

TABLE 11.12.110

RATES, SURCHARGES, SERVICE CHARGES, AND ADJUSTMENTS

A. Rates:

The sewer use fee rate for all classes of users including but not limited to, residential, commercial, institutional, industrial, governmental, charitable, and non-profit as set forth: in the following categories shall become effective on January 1, 1996:

1. Residential Rate: This rate shall be for all classes of residential dwellings and shall include governmental, charitable, and non-profit users:

Jan. 1-June 30, 1996 Rate per 100 cu. ft. of wastewater \$1.23

2. Commercial Rate:

This rate shall be for all classes of "Commercial" users as defined in section 11.12.010, excepting that this rate shall not apply to restaurants and food processors, and shall be 1.1 times the residential rate in effect.

3. Dry Industry Rate:

This rate shall be for all classes of "Dry Industry" users as defined in section 11.12.010, and shall be 1.2 times the residential rate in effect and shall be subject to the surcharges specified in this section.

4. Industry Rate:

This rate shall be for all classes of "Industry" users as defined in section 11.12.010, and shall be 1.2 times the residential rate in effect and shall be subject to the surcharges specified in this section.

5. Institutional Rate:

This rate shall be for all classes of "Institutional" users as defined in section 11.12.010, except this rate shall not apply to hospitals and laboratories, and shall be 1.0 times the residential rate in effect.

6. Restaurant Rate:

This rate shall be for all restaurants and food processors and shall be 1.3 times the residential rate in effect and shall be subject to Fats, Oils and Greases (F.O.G.) surcharges specified in this section.

7. Hospital Rate:

This rate shall be for all hospitals and all laboratories and shall be 1.1 times the residential rate in effect and shall be subject to the surcharges specified in this section. The laboratory rate shall apply to the entire flow of the building in which it is located.

8. Septage Disposal Rate:

The rate for all septage disposal or holding tank waste disposal at the Indian Orchard pumping station, or any other septage disposal site designated by the department of public works as follows:

Rates shall be calculated based on the following formula:

$(\$X / Y \text{ gallons}) \times Z = \text{Current Fiscal Year Rate in } \$/\text{gallon}$

X = Prior fiscal year actual total expenditures including overhead for the Springfield Regional Wastewater Treatment Plant (SRWTP).

Y = Prior fiscal year actual total gallons of sewage treated at the SRWTP influent sewage.

Revised rates shall be calculated by the department of public works annually beginning FY 1994, and provided to all disposal companies who historically deliver septage to the disposal site, and will be made available to the public within one month of the effective date of the increase or decrease (i.e., one 1 month prior to July 1).

9. Sewer Clearing Rate:

The rate for cleaning of all building drains, building sewers, private drains, or private sewers as defined in section 11.08.010 shall be sixty dollars (\$60.00) per cleaning. This rate shall apply to all cleaning services provided during normal business hours. All cleaning services required overtime shall be charged at a rate 2.0 times the cleaning rate in effect.

10. Sewer Construction and Repair Rate:

The sewer construction and repair rate to be charged for all building drains, building sewers, private drains, or private sewers as defined in section 11.08 shall be twenty-five dollars (\$25.00) per linear foot for new building connections and forty-three (\$43.00) per linear foot for repairs to building connections. All new connections and repairs to existing connections for commercial and industrial buildings and all private sewer and drain work shall be charged for all labor, material, and equipment costs plus a fee for administration and overhead costs, as established by the director.

B. Surcharges

When applicable surcharges will be calculated as follows:

1. Biochemical oxygen demand (BOD₅) surcharge per 1 lb. of BOD₅ shall be:\$0.068

A surcharge may be applied for BOD₅ as defined in section 11.08.010. Pounds of BOD₅ subject to a surcharge are calculated by the following equation:

$(C_1 - 240) \times 0.00624 \times Q =$ pounds of BOD₅ subject to surcharge where:

= the concentration of BOD in mg/1 of the wastewater, and

Q = the actual metered water use or wastewater discharge measured in units of 100 cu. ft.

All measurements shall be rounded to the closest unit. This surcharge shall not apply to normal residential use.

2. Suspended Solids (SS) surcharge per 1 lb. of SS shall be: \$0.049

A surcharge may be applied to SS as defined in section 11.08.010. Pounds of SS subject to a surcharge are calculated by the following equation:

$(C_2 - 300) \times 0.00624 \times Q =$ Pounds of SS subject to surcharge where:

C₂ = the concentration of SS in mg/1 of the wastewater, and

Q = the actual metered water use or wastewater discharge measured in units of 100 cu. ft.

All measurements shall be rounded to the closest unit. This surcharge shall not apply to normal residential use.

3. Fats, Oils, and Greases (F.O.G.) surcharge per 1 lb. of F.O.G. shall be:\$0.068

A surcharge may be applied for F.O.G. as defined in section 11.08.250. Pounds of F.O.G. subject to a surcharge are calculated by the following equation:

$(C_3 - 100 \times 0.00624 \times Q = \text{pounds of F.O.G. subject to surcharge where:}$

$C_3 = \text{the concentration of total F.O.G. in mg/1 of the wastewater, and}$

$Q = \text{the actual metered use or wastewater discharge measured in units of 100 cu. ft.}$

All measurements shall be rounded to the closest unit. This surcharge shall not apply to normal residential use.

C. Service Charge:

1. An annual administrative service charge set forth as follows will be divided equally into the number of billing periods, and shall become effective on July 1 of the fiscal year specified:

Fiscal Year 1996 \$8.00

2. A service charge set forth as follows for reading secondary water meters and the administrative service provided for adjusting bills may become effective on July 1 of the fiscal year specified.

Fiscal Year 1996 \$31 per meter reading

D. Adjustments:

1. In the event that federal, state and/or any other source of third party financial participation in the planned costs intended to be financed from revenue raised under section A of this amendment become available said rates will be reduced dollar for dollar to reflect the net reduction in cost realized.

2. If the inflation index as reported by the United States Bureau of Labor Statistics for Water & Sewage Maintenance is less than an increase of .025 in any fiscal year the rate will be adjusted by the difference between .040 and the increase.

3. In the event the actual surplus exceeds two million dollars (\$2,000,000.00) the rate will be adjusted for the ensuing years to reduce the actual surplus to as close to the two million dollars (\$2,000,000.00) or less as may be practical. At no time should this adjustment cause a deficit in the Local Wastewater account.

(as amended 03/18/1996)

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IV. USER CHARGES
11.12.120 Effective date of user charges.

User charges shall be levied in accordance with the rate schedule presented in Section 11.12.110 on all property subject to the charges as defined in Section 11.12.100, beginning July 1, 1974. (Prior code §20A-12)

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V. POWERS AND DUTIES OF DIRECTOR

11.12.150 Authority to collect all charges and payments.

A. The director shall forward to the city collector for collection all assessments and charges for wastewater services provided, including, but not limited to, capital, maintenance, operational, and support costs and other payments from industries and municipalities as specified in the contracts, agreements, and amendments thereto, between the city and individual industries and municipalities receiving services from the city and/or participating in sewage works improvements.

B. The city collector shall have the authority to use all legal means available to collect subject assessments, charges, and payments when due, including the collection of delinquent payments through property liens and property tax liens.

C. All applicable charges shall become due within thirty (30) days from the issuance date of the bill. After thirty (30) days from the issuance date of said bill, all unpaid amounts shall become delinquent and shall be subjected to a late charge.

D. The aforementioned late charge for overdue payments shall be assessed daily on all delinquent amounts. Said late charge shall be equal to twelve percent (12%) annually. Late charges on delinquent amounts assessed after the issuance date of the bill shall appear on the next bill. All charges and payments collected shall be deposited to the appropriate account of the wastewater facilities fund established for the operation, maintenance and improvement of the wastewater facilities under the sewers, drains and wastewater treatment division of the department of public works.

(as amended 03/04/1992)

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V. POWERS AND DUTIES OF DIRECTOR

11.12.160 Springfield Wastewater Facilities Fund (Local)--Establishment--Operation.

There is established in the city treasury a fund in which shall be deposited the fees, charges, receipts and any and all payments collected or received from the operation of the city wastewater facilities, and all such funds shall be received by the city treasurer and kept in a fund known as "the Springfield Wastewater Facilities Fund" ("Local"), which shall be separate from all other moneys, funds or property of the city, and the principal and interest of which shall only be expended, subject to appropriation with the approval of the mayor and the city council of the city, for the operation and maintenance of and improvements to a wastewater treatment facility system and for any bonded indebtedness and interest of said city wastewater facilities or for transfer to the Greater Springfield Regional Wastewater Facilities Fund for purposes stated in this chapter, all to be done in accordance with Chapter 520 of the Acts of 1975 of the General Court of the Commonwealth.

(Prior code §20A-16(a))

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V. POWERS AND DUTIES OF DIRECTOR

11.12.170 Greater Springfield Regional Wastewater Facilities Fund

(Regional)--Establishment--Operation.

The city establishes by this section, and there is hereupon established, in the city treasury a fund in which shall be deposited the fees, charges, receipts and any and all payments collected or received from the operation of the Greater Springfield Regional Wastewater Facilities, and any and all such funds shall be received by the city treasurer and kept in a fund known as "the Greater Springfield Regional Wastewater Facilities Fund" ("Regional"), which shall be kept separate from all other moneys, funds or property of the city, and the principal and interest of which shall only be expended, subject to appropriation with the approval of the mayor and the city council of the city, for the operation and maintenance of and improvements to a wastewater treatment facility system and for any bonded indebtedness and interest for said Greater Springfield Regional Wastewater Facilities, all to be done in accordance with Chapter 520 of the Acts of 1975 of the General Court of the Commonwealth.

(Prior code §20A-16(b))

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V. POWERS AND DUTIES OF DIRECTOR
11.12.180 Annual report of auditor.

The auditor of the city shall file an annual report of all receipts and expenditures pertaining to said Greater Springfield Regional Wastewater Facilities with each of the member municipalities, in accordance with Chapter 520 of the Acts of 1975 of the General Court of the Commonwealth.

(Prior code §20A-16(c))

Title 11
Public Services
Chapter 11.12
Assessments And User Charges For Wastewater Facilities
V. POWERS AND DUTIES OF DIRECTOR
11.12.190 Miscellaneous provisions relative to expenditures.

The director shall submit an annual budget request in detail to the mayor, which shall be reviewed by the mayor and council in the same statutory manner as are other annual budget requests. The director shall report to the mayor and council, in addition to the annual report, at intervals of not less than three (3) years, relative to any surpluses available, projected expenditures, and when adjustment of charges and fees are, in his opinion, required to meet projected expenditures.

(Prior code §20A-16(d))

Title 11
Public Services
Chapter 11.12
Assessments And User Charges For Wastewater Facilities
II. ASSESSMENTS--SANITARY SEWERS
11.12.080 Deferment of payment of assessments.

An abutter may make application to the city council for a deferment of all or a portion of his assessment in accordance with the conditions provided for in this chapter.

A. Assessments may be deferred on those parcels or portions of parcels of land which are developed and whose actual use is solely agricultural or which are developed as cemeteries, golf courses, or parks which are open to public use. Portions of parcels occupied by buildings shall be charged a full assessment based on minimum sized lots which could be subdivided out of the parcel, in accordance with the zoning ordinance, to accommodate the buildings.

B. A portion of the assessment on an undeveloped parcel may be deferred. The deferred amount shall not exceed the greater of the following:

1. One-half (1/2) of the assessment; or
2. The amount eligible for deferment on the undeveloped portion of a parcel as calculated under subsection C of this section.

C. A parcel which is partially developed may be granted a partial deferment on the undeveloped portion of the parcel; provided, that:

1. The total assessment exceeds six hundred dollars (\$600)*; and
2. One (1) or more lots can be subdivided out of the undeveloped portion in accordance with the requirements of the zoning ordinance. On those parcels for which a deferment is granted, the minimum initial payment shall equal the full assessment on the developed portion of the parcel plus the payment on the undeveloped portion as calculated in the following table:

Total Assessment for the Entire Parcel (in dollars)	Percent Paid on Undeveloped Property
\$600 to \$2,000	50% of the amount greater than \$600*
\$2,000 to \$5,000	the sum of: (1) 50% of the amount greater than \$600* but less than \$2,000 (2) 40% of the amount greater than \$2,000
\$5,000 or greater	the sum of: (1) 50% of the amount greater than \$600* but less than \$2,000 (2) 40% of the amount greater than \$2,000 but less than \$5,000 (3) 25% of the amount greater than \$5,000

* or the assessment computed for the developed portion of the parcel, whichever amount is greater.

The above schedule of deferment for undeveloped land shall apply only to the individual assessment on single parcels or on contiguous parcels; the total assessment on holdings of several individual scattered parcels shall not be considered.

If the parcel is improved in such a manner that there is not enough undeveloped land area remaining for an additional lot in accordance with the zoning ordinance, then the owner must pay the full assessment on the entire parcel.

D. All deferments granted under subsections B and C of this section shall be subject to an annual payment of the interest calculated at the rate provided by law on the total amount deferred. Such rate shall be determined at the time of request for deferment and shall be clearly stated in the request submitted to the city council for approval. Such annual interest payments shall be added to the city property tax bill and shall be paid in the same manner as property taxes; delinquent payments shall become liens on the property and shall be recorded and collected in the same manner as assessments in accordance with the provisions of Chapter 80 of the General Laws.

All deferments shall be duly recorded in the County Registry of Deeds and shall be due and payable in full immediately upon the change of land use to one which need not qualify for deferment under this chapter. Upon failure to pay the deferred assessment when due, it shall automatically become a collectable lien on the property. (Prior code §20A-8)

Title 11
Public Services
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Assessments And User Charges For Wastewater Facilities
IV. USER CHARGES

11.12.130 Credit shall be given for prior payment of sewer entrance fees.

Credit will be given for prior payment of sewer entrance fees under the "Order for Sewer Entrance Fees" dated June 21, 1943, upon submittal to the director of public works of a completed application for such credit on a form provided by or approved by the director of public works stating the amount of the sewer entrance fee, date paid, and accompanied by suitable proof of payment. Application must be made prior to July 1, 1975. Full credit for the amount of prior payment of the user charges (until the amount of prior payment is expended) in accordance with the following schedule:

Number of Years Lapsed Since Building Sewer Became Operational	Percentage of Sewer Entrance Fee Which Is To Be Applied Toward User Charges (in percent)
Less than 1	100
1 to 2	80
2 to 3	60
3 to 4	40
4 to 5	20
Longer than 5	None

(Prior code §20A-13)