

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  
City of Town of Barton  
Town  
Village

STATE OF NEW YORK  
DEPARTMENT OF STATE

**FILED**

JUN 28 2005

Local Law No. 2 of the year 2005

MISCELLANEOUS  
& STATE RECORDS

A local law Article 1 Wastewater Collection System Rents and Capital Charges  
Article II Wastewater Collection System Use

Be it enacted by the Town Board of the

County  
City of Town of Barton as follows:  
Town  
Village

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2005 of the (County)(City)(Town)(Village) of Town of Barton was duly passed by the Town Board on May 9 2005 in accordance with the applicable provisions of law.  
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ in accordance with the applicable provisions of law.  
(Name of Legislative Body) (Elective Chief Executive Officer\*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body) (Elective Chief Executive Officer\*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ in accordance with the applicable provisions of law.  
(Name of Legislative Body) (Elective Chief Executive Officer\*)

\*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

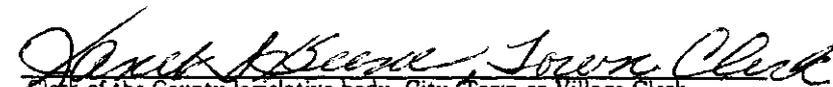
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of \_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of \_\_\_\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

(Seal)

Date: June 24, 2005

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Tioga

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

  
\_\_\_\_\_  
Signature

Town Attorney  
\_\_\_\_\_  
Title

County Town of Barton  
City of \_\_\_\_\_  
Town \_\_\_\_\_  
Village \_\_\_\_\_

Date: June 24, 2005

TOWN OF BARTON LOCAL LAW No. 1-2005

Local Law establishing water use in water improvement areas and water districts  
of Barton.

enacted by the Town Board of the Town of Barton as follows:

§1. The Town Code of the town of Barton shall be amended to include the following  
Chapter:

Chapter 143  
Water.

3-1. Control and Supervision.

Water Improvement Number 1, and any future water improvement areas pursuant  
to Article 12C of the Town Law within the Town of Barton, including the waterworks  
and waterworks system shall be under the control and supervision of the  
Board.

3-2. Charge for usage, operation and maintenance

Each property using municipal water shall be charged for the usage, operation  
and maintenance of such water and water works system at a rate based upon usage.  
The Board may also set a minimum usage fee on §143-2 upon usage, as determined  
by an approved water meter, as set forth below, including but not limited to a minimum  
amount, as determined by the Town Board, from time to time for all property  
within that improved area.

3-3. Capital Charge; classification of units

A water capital charge will be levied and collected quarterly from a time to be determined  
by the Town Board. The amount levied and collected will be the amount the Town is  
obligated to pay for the principal and interest on its outstanding water bonds. The  
capital charge will be established by the Town Board on an annual basis and the charge  
will be in accordance with the classifications of units set forth in Subsection B below.

A classification of units shall mean the benefits and quantities of usage of the municipal  
waterworks and waterworks systems assigned to different classifications of real property  
within the improvement area. The basis of the charge water capital charges to be paid by the owner  
of the real property served or required to be served shall be determined by the following  
schedule:

<b>Classification</b>	<b>Number of Units</b>
Single-family dwellings	1
Multiple residences	1 per dwelling unit
Nursing homes and hospitals	½ per bed
Motels and hotels	½ per motel or hotel unit
Restaurants	1
General Commercial (less than 15 employees)	1
Major Commercial (15 or more employees)	1 per 15 employees or 1 per 175 gallons of reaso expected usage
Gas Stations	2
Laundromats	½ per machine
Car washes	1 per stall
Industries	1 per 15 employees or 1 per 175 gallons of reaso expected usage
Schools	1 per 15 students and sta
Religious and fraternal institutions	1
Vacant lots	½
Beauty salons and barbershops	1
Insular Properties	0

**Clarification.**

1. The classification entitled "General commercial" under paragraph B shall not include single-family owner-occupied residences wherein businesses are maintained. is single-family owner-occupied residences wherein businesses are maintained shall be charged only one (1) water capital unit charge per year.
2. The classification entitled "Beauty salons and barbershops" shall not include single-family owner-occupied residences wherein beauty salons or barber shops are maintained. That is, single-family owner occupied residences wherein beauty salons or barbershops are maintained shall be charged only one (1) water capital unit charge per year.
3. The classification entitled "Vacant lots" shall not include parking lots which have at least seventy-five percent (75%) of their total surface area covered with asphalt, concrete, macadam or other type of pavement.
4. The Town may consider a factor for reasonable growth to any commercial or industrial classification
5. None of the language contained herein shall give any water user the right to a refund or any refund owed for charges made under this Article.

§143-4. Processing of accounts.

The Town Board is hereby authorized, empowered and directed to audit and order paid all accounts, bills, claims and demands incurred by such Board, which are payable out of the funds within the jurisdiction of such Board on any water improvement.

§143-5. Connection to service.

Structures on lots within the boundaries of any water improvement or within any water district within the Town of Barton, outside of the limits of the Village of Waverly, shall be connected to service on the earliest of the following:

- A. Upon determination that the existing well-water is contaminated or otherwise not potable; or,
- B. By such date as the Town Board may determine for each such area or district, as the case may be, and a record of such date or dates shall be on file in the Town Clerk's Office.
- C. All such water service lines shall be equipped with meters, as approved by the Town Board, prior to connecting service with any water improvement.
- D. Continued use of well water. Owners and/or residents of properties within a water improvement area or district, in the Town of Barton shall be able to use existing wells on their property for the limited purpose of outside watering for lawns, washing vehicles, filling or refilling pools or hot tubs, etc., provided that any such used water does not connect to a septic system or municipal sewer system in the Town of Barton, or is used for consumption or otherwise and is isolated from the public water supply.

§143-6 Approval of meters required.

Only meters approved and furnished by the Town Board shall be used in the Town of Barton.

§143-7 Installation of meters; inspection by Board.

Provision shall be made for the convenient installation of the meter as shown on the application for water connection. In all cases where meters are to be installed, an inspection of the premises will be made by a representative of the Town Board to determine the size, proper location and the manner in which such meter shall be installed and protected. The decision of the Town Board or their representative in regard to these matters shall be final.

§143-8 Location of meters.

The location of all meters and service pipes shall be determined solely by the Town Board or their representative.

§143-9 Meter seals.

Meters shall be installed and sealed only by an authorized representative of the Town Board, and no one, except an authorized agent of the Town Board, shall install meters or break or injure such seals.

§143-10 Inspections, tests and approval of meters.

All meters shall be inspected, tested and approved by an authorized representative of the Town Board before such meters are placed in use, subject to a charge to be made by the Town of Barton.

§143-11 Bypassing meters prohibited.

No bypass around a water meter shall be made or maintained.

§143-12 Responsibility of users for cost of repair.

The users shall be responsible for any damage to meters other than natural wear. Such users shall pay for all necessary replacements and repairs to meters, and such replacements or repairs shall be made by an authorized representative of the Town Board.

§143-13 Shutoff of service.

Water service to delinquent users of water provided by the Town of Barton water system may be cut off sixty (60) days from the date when any regularly issued water bill becomes due and payable on nonpayment of such bill within that period.

§143-14 Restoration of service.

A charge as set forth from time to time by the Town Board will be required to be paid to the Town by any water user or property owner whose water service has been cut off pursuant to this chapter before water service shall be restored. Such charge, together with all delinquent rents, shall be paid before water service is restored.

§143-15 Applicability.

This local law shall apply to all of the area of the Town of Barton lying outside of the Village of Waverly.

§143-16 Partial invalidity.

If any provision of this Local Law is found invalid by any Court of Competent Jurisdiction, such invalidity shall not affect any other provisions of this Local Law, which shall remain in full force and effect.

§143-17 Violations and Penalties.

Every person violating the provisions of this chapter shall, upon conviction, be deemed guilty of an offense and shall be punished by a fine not exceeding \$1,000 or by imprisonment for not more than 15 days, or by both such fines and imprisonment. Each separate occasion during each such day that a violation of this article occurs or reoccurs shall constitute a separate offense.

§143-20 Severability.

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§143-20 Effective Date.

This Local Law shall be effective as of the date of filing with the New York Secretary of State.

TOWN OF BARTON LOCAL LAW No.2- 2005  
WASTEWATER COLLECTION

ARTICLE I  
Wastewater Collection System Rents and Capital Charges

- § 1. Establishment.
- § 2. Collection; classification of units.
- § 3. Determination of charges.
- § 4. Penalties for late payment; liens.
- § 5. Discontinuation of service.
- § 6. Wastewater Collection System Capital and Rent Fund.
- § 7. Applicability.
- § 8. Compliance required.
- § 9. Restrictions on providing service.
- § 10. Additional rules and regulations.

ARTICLE II  
Wastewater Collection System Use

- § 11. Definitions and word usage.
- § 12. Use of public wastewater collection systems required.
- § 13. Private sewage disposal systems.
- § 14. Building wastewater collection systems and connections.
- § 15. Use of the public wastewater collection systems.
- § 16. Industrial cost recovery.
- § 17. Powers and duties of inspectors.
- § 18. Wastewater collection system use charges.
- § 19. Additional rules and regulations
- § 20. Submission of plans.
- § 21. Penalties for offenses.

ARTICLE I  
Wastewater Collection System Rents and Capital Charges

§ 1. Establishment.

The source of the revenues for debt service and capital expenditures shall be a wastewater collection system capital charge, and the source of revenues for operation and maintenance of the municipal wastewater treatment facility and collection system shall be a wastewater collection system rent charge to owners of any real property located within the incorporated limits of the Town of Barton, served or required to be served by the municipal wastewater treatment facility and collection system.

§ 2. Collection: classification of units.

A. A wastewater collection system capital charge will be levied and collected quarterly from a time to be determined by the Town of Barton Board and on file with the Town Clerk. The amount levied and collected will be the amount the Town of Barton is obligated to pay for the principal and interest on its outstanding wastewater collection system bonds. The wastewater collection system capital charge will be established by the Board on an annual basis, and the charge will be in accordance with the classifications of units set forth in Subsection B below.

B: A classification of units shall mean the benefits and quantities of usage of the municipal waterworks and waterworks systems assigned to different classifications of real property in the improvement area. The basis of the wastewater collection system capital charges to be paid by the owners of the real property served or required to be served shall be determined by the following schedule:

<b>Classification</b>	<b>Number of Units</b>
Single-family dwellings	1
Multiple residences	1 per dwelling unit
Nursing homes and hospitals	½ per bed
Motels and hotels	½ per motel or hotel unit
Restaurants	1
General Commercial (less than 15 employees)	1
Major Commercial (15 or more employees)	1 per 15 employees or 1 per 175 gallons of reasonably expected usage
Gas Stations	2
Laundromats	½ per machine

Car washes	1 per stall
Industries	1 per 15 employees or 1 per 175 gallons of reasonably expected use
Schools	1 per 15 students and s
Religious and fraternal institutions	1
Vacant lots	½
Beauty salons and barbershops	1
Insular Properties	0

**C. Clarification.**

1. The classification entitled "General commercial" under paragraph B shall not include single-family owner-occupied residences wherein businesses are maintained. Single-family owner-occupied residences wherein businesses are maintained shall be charged only one (1) water capital unit charge per year.
2. The classification entitled "Beauty salons and barbershops" shall not include single-family owner-occupied residences wherein beauty salons or barber shops are maintained. That is, single-family owner occupied residences wherein beauty salons or barbershops are maintained shall be charged only one (1) water capital unit charge per year.
3. The classification entitled "Vacant lots" shall not include parking lots which are at least seventy-five percent (75%) of their total surface area covered with asphalt, concrete, macadam or other type of pavement.
4. The Town of Barton may consider a factor for reasonable growth to any commercial or industrial classification.
5. None of the language contained herein shall give any wastewater collection user the right to claim any refund owed for charges made under this Article.

**3. Determination of Charges.**

- A. As used in this Article, the following terms shall have the meanings indicated:

**WASTEWATER COLLECTION SYSTEM RENT CHARGE** - A scale of charges established and imposed by the Town of Barton Board for the use of any municipal wastewater treatment facility, including that of the Town of Barton or the Waverly, and the collection system or systems.

- B. The amount of such wastewater collection system rent charge shall be based on consumption of water and will be levied and collected quarterly from a time to be determined by the Town of Barton Board.
- C. The wastewater collection system rent charge will apportion the total of Town of Barton's portion of operation and maintenance costs of the Village of Waverly's wastewater treatment facility or any wastewater treatment facility the Town of Barton may construct and the Town of Barton's collection system among system users in the proportion of the user water consumption to total water consumption.
- D. All properties within a wastewater collection system shall have a water meter on its water supply. If the source of water is from a well, the water meter, as approved by the Town, shall be placed at the owner's expense. The wastewater collection system shall have a rent charge per one thousand (1,000) cubic feet of water consumption in an amount determined by the Town Board from time to time taking into consideration the total operation and maintenance budget amount in dollars for the current fiscal year divided by the total water consumption for the prior calendar year measured in thousands of cubic feet of water. The Town Board, in its discretion may apply a minimum rent charge per unit. All such rates and charges shall be filed with the Town of Barton Clerk.

**§ 4. Penalties for late payment; liens.**

Wastewater collection system capital charges and wastewater collection system rent charges which are not paid on or before thirty (30) days from the date of presentation of the bill shall bear a penalty of two percent (2%). If such wastewater collection system capital charges and wastewater collection system rent charges are not paid on or before sixty (60) days from the date of presentation, an additional penalty of ten percent (10%) of the accumulated amount shall be added to such capital charge and/or wastewater collection system rent charge. If such amount remains unpaid on the last day of November, the Town of Barton Clerk shall certify the amount due and payable to the Town of Barton Board, who shall levy the same as taxes and add such wastewater collection system capital charge and wastewater collection system rentals and penalties to the succeeding tax roll of the Town of Barton. Such tax shall be collected and enforced in the same manner and at the same time as provided for the collection and enforcement of Town of Barton taxes and it shall be the duty of the Town of Barton Clerk to charge and collect interest thereon at the same rates specified for the collection of Town of Barton taxes. Such wastewater collection system capital charges and wastewater collection system rent charges shall constitute a lien on the real property served by such municipal wastewater treatment facility, and such a lien shall be prior and superior to any other lien or claim, except the lien of an existing tax, assessment or other lawful charge.

§ 5. **Discontinuation of service.**

All wastewater collection system service may be discontinued without further notice if the wastewater collection system rent and capital charges for such services are not paid within thirty (30) days after presentation of the bill therefor.

§ 6. **Wastewater collection system Capital and Rent Fund.**

Revenues derived from such wastewater collection system capital charges and wastewater collection system rents, including interest, shall be credited to a special fund to be known as the "Wastewater Collection System Capital and Rent Fund." Moneys in such fund shall be used for the payment of the cost of debt service, capital expenditures and operation and maintenance of the municipal wastewater treatment facility and collection system.

§ 7. **Applicability.**

All users of the municipal wastewater treatment facility and collection system, including tax-exempt properties, must pay wastewater collection system capital charges and wastewater collection system rent charges.

§ 8. **Compliance required.**

The use of the Town of Barton collection system and any municipal wastewater treatment facility and shall be a privilege, not a right. Failure to comply with the requirements of this Article may result in the termination of such privilege or discontinuance of services, in the complete discretion of the Town of Barton Board. Such discontinuance of service may be in addition to the penalties hereinbefore set forth.

§ 9. **Restrictions on providing service.**

The Town of Barton assumes no responsibility to provide wastewater collection system service to any building or property which is located at such a place or elevation as to make such service impractical. Wherever service can be provided the basement level of a residence or building will be served, unless the location and grade of the building or property is such that service at the basement level is not feasible or practical from either an economic or an engineering point of view. In such a case, services shall be provided at such a level as is feasible.

§ 10. **Additional rules and regulations.**

The Town of Barton reserves a right to adopt, however, from time to time such additional rules and regulations as it shall deem necessary and proper in connection with the

and operation of the municipal wastewater treatment facility and collection system, which regulations shall become and shall be construed as part of this Article. All such regulations will be filed with the Town of Barton clerk.

## ARTICLE II

### WASTEWATER COLLECTION SYSTEM USE

#### 1. Definitions and word usage.

A. As used in this Article, the following terms shall have the meanings indicated.

**ACT** - The Federal Water Pollution Control Act, as amended.

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

**BUILDING DRAIN** - That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building wastewater collection system, terminating five feet (one and five-tenths (1.5) meters) outside the inner face of the building wall.

**BUILDING WASTEWATER COLLECTION SYSTEM** - The extension from the building drain to the public wastewater collection system or other place of disposal, also known as "house connection."

**COMBINED WASTEWATER COLLECTION SYSTEM** - A wastewater collection system intended to receive both wastewater and storm- or surface water.

**CONTAMINATION** - An impairment of the quality of the waters of the state by any degree which creates a hazard to the public health through poisoning or through the transmission of disease.

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

**ENGINEER** - A professional engineer retained by the Town of Barton Board.

**FLOATABLE OIL** - Oil, fat or grease in a physical state such that it will separate from wastewater by treatment in an approved pretreatment facility. Wastewater is considered free of "floatable fat" if it is properly pretreated and the wastewater does not interfere with the collection system.

**GARBAGE** - The animal and vegetable waste resulting from the handling, preparation, cooking and serving foods.

**INDUSTRIAL USER** - Any nongovernmental user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems or to injure or to interfere with any sewage treatment process or which constitutes a hazard to humans or animals, creates a public nuisance or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

**INDUSTRIAL WASTES** - The wastewater from industrial processes, trade or business as distinct from domestic or sanitary wastewater.

**MUNICIPALITY** - The Town of Barton of Barton , Tioga County, State of New York, and, where appropriate, the Village of Waverly.

**NATURAL OUTLET** - Any outlet, including storm wastewater collection systems and combined wastewater collection system overflows, into a watercourse, pond, ditch, lake or other body of surface or ground water.

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION or NYSDEC** - The New York State Department of Environmental Conservation or a duly authorized official of said Department.

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

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

**PRETREATMENT** - The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of the pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a publicly owned treatment works. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR 403.6, General Pretreatment Regulations for Existing and New Sources of Pollution.

**PRIVATE WASTEWATER DISPOSAL SYSTEM** - A privately owned system for the treatment and ultimate disposal of wastewater, such as a septic tank or cesspool, serving one (1) or more structures.

**PROPERLY SHREDDED GARBAGE** - The wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried

freely under the flow conditions normally prevailing in public wastewater collection systems, with no particles greater than one-half ( $\frac{1}{2}$ ) inch [one and twenty-seven hundredths (1.27) centimeters] in any dimension.

**PUBLICLY OWNED TREATMENT WORKS (POTW)** - A treatment works as defined by Section 212 of the Federal Water Pollution Control Act, as amended, (33 U.S.C § 1292). Treatment works shall include any wastewater collection systems that convey wastewater to the "POTW" but shall not include pipes, wastewater collection systems or the conveyances not connected to a facility providing treatment.

**PUBLIC WASTEWATER COLLECTION SYSTEM** - A wastewater collection system in which all owners of abutting properties have equal rights and which is controlled by public authority or a governmental agency.

**SANITARY WASTEWATER COLLECTION SYSTEM** - A wastewater collection system that carries liquid and water-carried wastes from residences, commercial buildings industrial plants and institutions, together with minor quantities of ground - , storm- and surface waters that are not admitted intentionally.

**SANITARY WASTEWATER** - Domestic WASTEWATER with storm- and surface excluded, and includes wastewater discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, industrial plants or institutions.

**SEWAGE** - A combination of the water-carried wastes from residences, business buildings institutions and industrial establishments, together with such ground-, surface and storm waters that are not admitted intentionally. The preferred term is "wastewater." (See the definition of "wastewater.")

**SEWER** - A pipe or conduit that carries wastewater or drainage water.

**SEWER** - All facilities for collecting, pumping treating and disposing of sewage.

**SLUG** - 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-hour concentration of flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

**STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) PERMIT** - A permit issued pursuant to Section 402 of the Federal Water Pollution Control Act, as amended, (33 U.S.C. § 1342).

**STORM DRAIN** (sometimes termed "storm wastewater collection system") - A wastewater collection system which carries storm- and surface waters and drainage but excludes sewage

and industrial waste other than unpolluted cooling water.

**SUPERINTENDENT** - The Superintendent of Water Pollution Control of the Town of Barton or Barton or his authorized deputy, agent or representative.

**SUSPENDED SOLIDS** - Total suspended matter that either floats on the surface of or is in suspension in water, wastewater or there liquids and that is removable by laboratory filtering as prescribed in Standard Methods for the Examination of Water and Wastewater and referred to as "nonfilterable residue."

**UNITED STATE ENVIRONMENTAL PROTECTION AGENCY or USEPA** - The United States Environmental Protection Agency or, where appropriate, the administrator or other duly authorized officer of said agency.

**UNPOLLUTED WATER** - Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary wastewater collection systems and wastewater treatment facilities provided.

**WASTEWATER** - The spent water of a community. From the standpoint of source it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and storm water that may be present.

**WASTEWATER FACILITIES** - The structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

**WASTEWATER TREATMENT WORKS** - An arrangement of devices and structure for treating wastewater, industrial wastes and sludge; sometimes used as synonymous with "wastewater treatment plant" or "water pollution control plant."

**WATERCOURSE** - A natural or artificial channel for the passage of water, either continuously or intermittently.

**WATER POLLUTION** - The man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

B: Work usage. "Shall" is mandatory; "may" is permissive.

**§ 12. Use of public wastewater collection systems required.**

A. It shall be unlawful for any person in a Wastewater Collection Improvement Area or Wastewater Collection District, within the Town of Barton and outside the Village

of Waverly, to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Town of Barton or in any area under the jurisdiction of said Town of Barton any human or animal excrement, garbage or other objectionable waste.

- B. It shall be unlawful for any person in a Wastewater Collection Improvement Area or Wastewater Collection District, within the Town of Barton and outside the Village of Waverly, to discharge to any natural outlet within the Town of Barton or in any area under the jurisdiction of the said Town of Barton any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Article.
- C. Except as hereinafter provided, it shall be unlawful for any person in a Wastewater Collection Improvement Area or Wastewater Collection District, within the Town of Barton and outside the Village of Waverly, to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater within any wastewater improvement area or district within the Town of Barton .
- D. The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within any wastewater improvement area district within the Town of Barton and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined wastewater collection system are hereby required, at their expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public wastewater collection system in accordance with the provisions of this Article within 90 days after the date of the official notice to do so. Said owner shall also be required to keep said pipes and connections to the public wastewater collection system in proper operating condition and to make necessary repairs to said pipeline within forty-eight (48) hours after official notice of any defect, leak, stoppage or other malfunction.

§ 13. **Private sewage disposal systems.**

- A. No one shall be allowed to construct any privy, privy vault, septic tank, cesspool or other facility intended or used for the collection and disposal of wastewater within any wastewater collection system improvement area or district in the Town of Barton.
- B. Properties within a wastewater improvement area or district in the Town of Barton that has existing septic systems will not be required to hook up immediately to the system. Rather they shall have the following time frames from when the Town Board, or appropriate district, as the case may be, declares the construction of the wastewater collection system to be substantially completed:

- (1) If a new septic system has been installed within two (2) years prior to substantial completion, then the property will have five (5) years to be hooked up to the wastewater collection system. For purposes of all properties within the Town of Barton Wastewater Collection Improvement #1, this date shall be June 30, 2009.
  - (2) If the septic system was installed more than five (5) years before substantial completion of the new wastewater collection system, then the owner will have two (2) years from the date of substantial completion to hook to the new system. For purposes of all properties within the Town of Barton of Baton Wastewater Collection improvement #1, this date shall be June 30, 2006. Such fees shall be on file with the Town Clerk.
- C. Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the Town of Barton of Barton, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Superintendent. A permit and inspection fee as set forth from time to time by resolution of the Town of Barton of Barton Boar shall be paid to the Town of Barton at the time the application is filed.
- D. The private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.
- E. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the Town of Barton.
- F. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by any Local or State Health Officer having jurisdiction.

**§ 14. Building wastewater collection systems and connections.**

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public wastewater collection system or appurtenances thereof without first obtaining a written permit from the Superintendent.
- B. Classes of permits; fees.
- (1) There shall be two (2) classes of building wastewater collection system permits:
    - (a) For residential, commercial or other establishments discharging sanitary wastewater only.

- (b) For service to establishments producing industrial wastes.
- (2) In either case, the owner or his agent shall make application, which application shall be supplemented by any plans, specifications or other information considered pertinent in the judgement of the Superintendent. Permit and inspection fees as set forth from time to time by resolution of the Town of Barton of Barton for residential or commercial building wastewater collection system permits and for industrial building wastewater collection system permits shall be paid to the Town of Barton of Barton at the time the application is filed.
- C. All costs and expenses incident to the installation and connection of the building to the wastewater collection system shall be borne by the owner. The owner shall indemnify the Town of Barton of Barton from any loss or damage that may directly or indirectly be occasioned by the installation of the building to the wastewater collection system.
- D. A separate and independent building wastewater collection system shall be provided for every building, except where one (1) building stands at the rear of another on an interior lot and no private wastewater collection system is available or can be constructed to the rear building through an adjoining alley, court yard or driveway, then the building wastewater collection system from the front building may be extended to the rear building and the whole considered as one (1) building wastewater collection system.
- E. Old building wastewater collection systems may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Article.
- F. The size, slope, alignment, materials of construction of a building wastewater collection system and the methods to be used in excavating, placing the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the New York State Building and Construction Code or other applicable rules and regulations of the Town of Barton of Barton and be subject to the approval of the Superintendent. In no event shall the diameter of such pipe be less than four (4) inches, nor shall the slope of such nor-inch pipe be less than one-eighth (1/8) inch per foot.
- G. Whenever possible, the building wastewater collection system shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public wastewater collection system, sanitary sewage carried by such building drain shall be lifted by approved artificial means and discharged to the building wastewater collection system.

- H. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building wastewater collection system or building drain which in turn is connected directly or indirectly to a public sanitary wastewater collection system unless such connection is approved by the Superintendent for purposes of disposal of polluted surface drainage.
- I. The connection of the building wastewater collection system into the public wastewater collection system shall conform to the requirements of the New York State Building and Construction Code or other applicable rules and regulations of the Town of Barton or the procedures set forth in appropriate specifications of the American Society for Testing and Materials and the Water Pollution Control Federation Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
- J. The applicant for the building wastewater collection system permit shall notify the Superintendent when the building wastewater collection system is ready for inspection and connection to the public wastewater collection system. The connection shall be made under the supervision of the Superintendent or his representative.
- K. All excavations for building wastewater collection system installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town of Barton.

**§ 15. Use of the public wastewater collection systems.**

- A. No person shall discharge or cause to be discharged any unpolluted wastes, such as storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary wastewater collection system.
- B. Storm water and all other unpolluted drainage shall be discharged to such wastewater collection systems as are specifically designed as combination wastewater collection systems or storm wastewater collection systems or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm wastewater collection system or natural outlet. Cooling water discharge will require a SPDES permit.
- C. No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public wastewater collection systems:

- (1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- (2) Any waters 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 waste 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.
- (3) Any waters or wastes having a pH lower than five point zero (5.0) or higher than nine point zero (9.0) or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works.
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in wastewater collection systems or other interference with the proper operation of the wastewater facilities, such as but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk, containers, etc., either whole or ground by garbage grinders.

D. The following described substances, materials, waters or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the wastewater collection systems, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream or will not otherwise endanger lives, limb, public property or constitute a nuisance. The Superintendent may set limitations lower than the limitations established in the regulations below if, in his opinion, such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the superintendent will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the wastewater collection systems, materials of construction of the wastewater collection systems, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitation or restrictions on materials or characteristic of waste or wastewater discharged to the sanitary wastewater collection system which shall not be violated without approval of the Superintendent are as follows:

- (1) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F.) [sixty-five degrees Celsius (65° C.), or in such quantities that the temperature at the treatment works influent exceeds forty degrees Celsius (40° C). [one hundred four degrees Fahrenheit (104° F.) ] unless the POTW is designed to accommodate such heat.
- (2) Wastewater containing more than one hundred (100) milligrams per liter of petroleum oil non-biodegradable cutting oils or products on mineral oil origin.
- (3) Wastewater from industrial plants containing floatable oils, fat or grease.
- (4) Any garbage that has not been properly shredded (see definition of “properly shredded garbage” in §11). Garbage grinders may be connected to sanitary wastewater collection systems from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- (5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances to such degree that any such materials received in the composite wastewater or the wastewater treatment works exceeds the limits established by the Superintendent for such materials.
- (6) Any waters or wastes containing odor-producing substances exceeding the limits which may be established by the Superintendent.
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.
- (8). Quantities of flow or concentrations, or both, which constitutes a “slug” as defined herein.
- (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 degree that the wastewater treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

- (10) Any water or wastes which, by interaction with other water or wastes in the public wastewater collection system, release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes.
- (11) Any waters or wastes containing strong-acid iron-pickling wastes or concentrated plating solutions whether neutralized or not.
- (12) Any waters or wastes having a lower pH in excess of nine point five (9.5).
- (13) Any water or wastes containing materials which exert or cause 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).
- (14) Any waters or wastes containing materials which exert or cause excessive discoloration (such as, but not limited to, dye wastes and vegetable-tanning solutions).
- (15) Any waters or wastes containing materials which exert or cause unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

**E. Discharge of hazardous wastes.**

- (1) If any waters or wastes are discharged or are proposed to be discharged to the public wastewater collection systems, which waters contain the substances or possess the characteristics enumerated in Subsection D of the section and which, in the judgement of the Superintendent, may have a deleterious effect

upon the wastewater facilities, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- (a) Reject the wastes;
  - (b) Require that when pretreatment standards are adopted by the United States Environmental Protection Agency (EPA) or the NYSDEC for any given class of industries, then such industries must immediately conform to the EPA or NYSDEC timetable to adherence to these standards. The Superintendent shall further assure that compliance by industries to whom pretreatment standards are applicable are in compliance with Section 307 of PL 92-500, as amended.
  - (c) Require control over the quantities and rates of discharge; and/or
  - (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or wastewater collection system charges.
- (2) When considering the above alternatives, the Superintendent shall give consideration to the economic impact of each alternative on the discharger. If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent.
- F. Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Subsection D(3), or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by owners' personnel must be performed by currently licensed waste disposal firms.

- G. Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- H. When required by the Superintendent, the owner of any property serviced by a building wastewater collection system carrying industrial wastes shall install a suitable structure, together with such necessary meters and other appurtenances, in the building wastewater collection system to facilitate observation, sampling and measurement of the wastes. Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Superintendent. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
- I. The Superintendent may require a user of wastewater collection system services to provide information needed to determine compliance with this Article. These requirements may include:
- (1) Wastewater' discharge peak rate and volume over a specified time period.
  - (2) Chemical analysis of wastewater.
  - (3) Information on raw materials, processes and products affecting wastewater volume and quality.
  - (4) The quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to wastewater collection system use control.
  - (5) A plot plan of wastewater collection systems on the user's property showing wastewater collection system and pretreatment facility location.
  - (6) Details of wastewater pretreatment facilities.
  - (7) Details of systems to prevent and control the losses of materials through spills to the municipal wastewater collection system.
- J. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Article shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association. Sampling methods, location, times, durations and frequencies

are to be determined on an individual basis subject to approval by the Superintendent.

- K. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the Town of Barton and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town of Barton for treatment.
- L. Major contributing industries, which are industrial users of the POTW, that have a flow of fifty thousand (50,000) gallons or more per average workday; have a flow greater than five percent (5%) of the flow carried by the municipal system receiving the waste; have in their wastes a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Act; have been identified as one (1) of the twenty-one (21) industrial categories; or are found by the permit issuance authority in connection with the issuance of a SPDES permit to the POTW receiving the waste to have significant impact, either singly or in combination with other contributing industries, on the treatment works or upon the quality of effluent from that treatment works must comply with federal pretreatment standards and any other applicable requirements promulgated by the USEPA in accordance with Section 307 of the Federal Water Pollution Control Act amendments of 1972 and any more stringent pretreatment standards required by local conditions.
- M. Industrial users must obtain written authorization from the Superintendent for the disposal of their wastes into the system with periodic renewal of this authorization as directed by the Superintendent.
  - (1) The maximum period of such authorization shall be two (2) years, subject to written renewals, with each renewal having a maximum period of two (2) years.
  - (2) Any such authorization, or renewal thereof, is subject to withdrawal, modification or change by the municipality should the municipality deem the same to be in the public interest. Before a withdrawal, modification or change is effected, the industrial user shall be given notice thereof with an opportunity to be heard.
  - (3) No authorization shall be assigned, transferred or sold or used at premises or in an operation or process different from that for which said authorization was issued.
  - (4) Industrial users shall apply for a new written authorization if the operation or process for which the same was issued is changed so that

the wastewater characteristics or flow is altered.

- N. Industrial users must, in order to obtain authorization to discharge industrial wastes into the system, provide information describing wastewater, including but not limited to volume, constituents and characteristics of wastewater, flow rates, each product produced by type, amount and rate of production and description of activities, facilities and plant process on the premises, including all materials, processes and types of materials which are or could be discharged.
- O. The disposal into the wastewater collection system of any pollutant by any person is unlawful, except in compliance with the Federal Water Pollution Control Act and other applicable laws, rules and regulations.
- P. Industrial users shall notify the municipality immediately upon accidentally discharging wastes in violation of this Article. This notification shall be followed, within fifteen (15) days of the date of occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrence. Such notification will not relieve users of liability for any expense, loss or damage to the wastewater collection system, treatment plant or treatment process or for any fines imposed on the municipality under applicable state and federal regulations.
- Q. A notice shall be furnished and permanently posted on the industrial user's bulletin board advising employees whom to call in case of an accidental discharge in violation of this Article. Also, copies of the Article are to be made available to the user's employees.
- R. Any direct or indirect connection or entry point for persistent or deleterious wastes to the user's plumbing or drainage system should be eliminated. Where such action is impractical or unreasonable, the user shall label such approximate entry points to warn against discharge of such waste in violation of this Article.

§ 16. Industrial cost recovery.

§ 17. Powers and duties of inspectors.

- A. The Superintendent, other duly authorized employees of the Town of Barton of Barton and representatives of the EPA and NYSDEC bearing proper

credentials and identification shall be permitted to enter all properties at reasonable times for the purpose of inspection, observation, measurement, sampling and testing pertinent to discharge to the community system in accordance with the provisions of this Article.

- B. The Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential, provided that it establishes that the revelation to the public of the information in question might result in an advantage to its competitors.
- C. While performing the necessary work on private properties referred to in Subsection A above, the Superintendent or duly authorized employees of the Town of Barton shall observe all safety rules applicable to the premises established by the occupant and the occupant shall be held harmless for injury or death to the Town of Barton of Barton employees, and the Town of Barton shall indemnify the occupant against loss or damage to its property by Town of Barton employees against liability claims and demands for personal injury or property damage asserted against the occupant and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the occupant to maintain safe conditions as required in §15H.
- D. The Superintendent and other duly authorized employees of the Town of Barton bearing proper credentials and identification shall be permitted to enter all private properties through which the Town of Barton holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the fully negotiated easement pertaining to the private property involved.

**§ 18. Wastewater collection system use charges.**

- A. Subject to all applicable state and federal laws and/or regulations, the Town of Barton Board shall establish such charges as are required to raise the necessary revenue to defray the costs of debt service and capital expenditures and operation and maintenance of wastewater treatment and collection facilities.
- B. The first year's operation and maintenance charges will be based on past experience or some other method that can be demonstrated to be appropriate

to the level and type of services as per 40 CFR 35.929(a).

- C. The grantee will review, not less often than every two (2) years, the wastewater contributions, the total costs of operation and maintenance and the UCS itself. Revisions must be made as necessary to conform to 40 CFR 35.929(b) (1) to (3).
- D. Dischargers of toxic wastes which cause an increase in the cost of managing the effluent or sludge shall pay such increased costs, as per 40 CFR 35.929-2(c).
- E. The USC must require that the cost of treating all extraneous flow will be distributed among all users in accordance with 40 CFR 35.929-2(d)(1) to (2).
- F. Each user is to be notified annually of the rate and portion of the charges attributable to wastewater treatment.

**§ 19. Additional rules and regulations.**

The Town of Barton reserves the right to adopt, from time to time, such additional rules and regulations as it shall deem necessary and proper in connection with use and operation of the wastewater collection system, which rules and regulations shall become and shall be construed as part of this Article.

**§ 20. Submission of plans.**

Detailed plans, showing facilities and operating procedures to provide protection from accidental discharge of prohibited materials or other wastes from major contributing industries shall be submitted to the municipality for the review and shall be acceptable to the municipality for construction of the facilities.

**§ 21. Penalties for offenses.**

- A. Any person found to be violating any provisions of this Article, except §19-20, shall be served by the Town of Barton with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person who shall continue any violation beyond the time limit provided for Subsection A of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not exceeding one thousand

dollars (\$1,000.) or by imprisonment, for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

- C. Any person violating any of the provisions of this Article shall become liable to the Town of Barton for any expense, loss or damage occasioned by Town of Barton by reason of such violation.
- D. The municipality may issue an order to cease and desist, directing those persons not complying with such prohibitions, limits, requirements or provisions of this Article or of the wastewater discharge permit to:
  - (1) Comply forthwith;
  - (2) Comply in accordance with the time schedule set forth by the permit agency; or
  - (3) Take appropriate remedial or preventive action in the event of a threatened violation.
- E. Any person who knowingly makes any false statements, representation, record, report, plan other documentation filed with the municipality or who falsifies tampers with or knowingly renders inaccurate any monitoring device or method required under this Article shall be punished by fine and/or imprisonment as set forth in Subsection B above.
- F. The application of the above penalty or penalties or the prosecution for the violation of the provisions of this Article shall not be deemed to prevent the revocation of any permit issued pursuant thereto or the enforced removal of conditions prohibited b this Article.
- G. The municipality may revoke any wastewater discharge permit or authorization or terminate or cause to be terminated wastewater service to any premise if a violation of any provision of this Article is found to exist or if a discharge of wastewater causes or threatens to cause a condition of contaminations or pollution, as defined in this Article.

#### § 21. Severability.

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 22. **Effective Date.**

This date shall be effective upon the filing of this Local Law with the Secretary of State.